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THE
GLORY OF AMERICA;
COMPRISING
MEMOIRS
OF THE
LIVES AND GLORIOUS EXPLOITS
OF SOME OF THE
DISTINGUISHED OFFICERS
ENGAGED IN THE
LATE WAR WITH GREAT BRITAIN.

AMONG WHICH ARE

Andrew Jackson, Richard Mentor Johnson, Stephen Decatur, David Porter, Zebulon Montgomery Pike, Leonard Covington, John Chrystie, William Henry Allen, John Cushing Aylwin, William Burrows, James Lawrence, William Bainbridge, Eleazer Wheelock Ripley, Thomas Macdonough, Wm. Carroll, Jacob Brown, John Rogers, James Biddle, Winfield Scott, Lewis Warrington, George Croghan, Henry H. Dearborn, Alexander Macomb, Oliver Hazard Perry, Jacob Jones, Isaac Hull, Joseph Warren, Richard Montgomery, Daniel Morgan, John Barry, John Manly, Baron De Kalb, William Heath, Anthony Wayne, Charles Lee, Nathaniel Green, Nicholas Biddle, Thomas Truxton, Hugh Mercer.

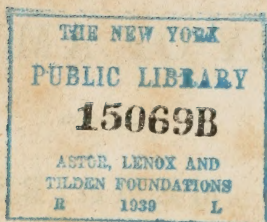
EMBELLISHED WITH PLATES FROM ORIGINAL DESIGNS.

BY R. THOMAS, A. M.

NEW YORK :
PUBLISHED BY EZRA STRONG.

1837.

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Entered according to the Act of Congress, in the year 1833, by Ezra Strong,
in the Clerk's Office of the District Court of the Southern District of New
York.

PREFACE.

IF, among readers, as some very shrewdly imagine, the greater part would willingly dispense with a preface, the fact is certain, that whatever may be their wishes, or, mayhap, their caprices, few authors or editors are willing to dispense with this preliminary to a *book*. My own plea—if plea be required—is necessity, a necessity growing out of the circumstances under which the work was performed; the writing of which is more for the edification of the reader, than to please the fancy of the editor.

Few, if any, who are not experimentally taught the lesson, have any adequate conception of the difficulties under which an editor labours, in compiling a work consisting of biographical sketches of various individuals, residing, or acting, in different sections of an extensive country, with few of whom he can be personally acquainted. If every *Johnson* has not a *Boswell*, neither has every Washington a Marshall and a Weems, nor every revolution a Thacher. But still biographers *must* toil, and the public *will* read; and till writers shall be endued with the power of ubiquity, and the gift of annihilating both time and space, errors will unavoidably occur in their works; the captious will cavil; and the ill natured, who perhaps can hardly pen a sentence of good English, will be furnished with abundant matter on which to vent their harmless venom.

In preparing the following pages for publication, three points have been constantly in view: 1st. To obtain all

the information relative to the different subjects, which was within reach ; to compare and digest which has cost much labour and care. 2dly. To search for *truth* ;—and, 3dly, To choose the best language in which to convey the information thus obtained.

The materials are principally gathered from the current publications of the day, which are sometimes too loosely written—at others, penned with evident partiality or prejudice, and occasionally so embellished with altiloquence, or garnished with superlatives, as to appear rather as the work of an exuberant imagination, than like a relation of substantial and indisputable facts. Amidst these various difficulties, more than human ken is requisite to guide the inquiring mind to the fount of truth. If, on this, or any other point, mistakes shall be discovered, the editor claims the meed furnished by the poet—

“ Who does the best his circumstance allows,
Does well, acts nobly ; angels could no more.”

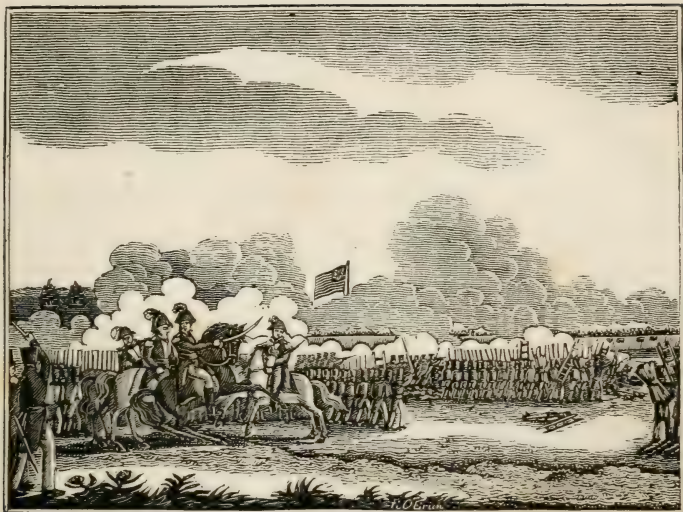
In the present enlightened age, perhaps an error in the use of language will be the least likely to escape censure—albeit, the most classical scholars often use the very rudiments of literature with the carelessness of sciolists. To these censures, should they pass on this work, the editor will certainly not plead ignorance. Confident of possessing the power to write correctly, and to thread the sense of the worst penned paragraphs—if sense they contain—in case of failure on this point, he will plead *guilty*. But, if the re-construction of whole paragraphs, which were too ill-constructed for emendation, and numerous marginal corrections, are any proof of good intention, and industry, the reasons for fault-finding on this score, will be “ few and far between.”

One error relative to the facts as stated in the account of the capture of the President, has escaped in the progress of the work, which is here corrected. The Peacock and Hornet did not accompany the President, though their appointed rendezvous was at the same place. Other similar mistakes may probably have occurred, the importance of which, even if they should be detected, is of little consequence to the reader. A knowledge of the principal facts is all which the nature of the case requires. On a trial before a court martial, the case would assume a different aspect.

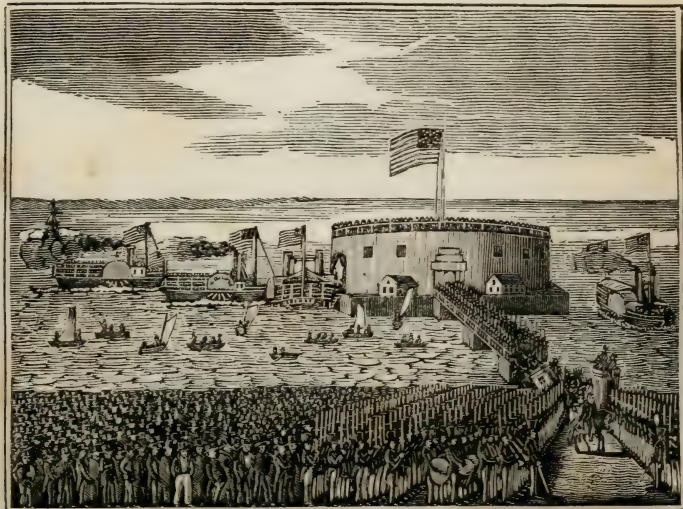
Perhaps a better opportunity will not offer to remark on the general tendency of the martial spirit engendered by a state of warfare. We have seen its effects so far as "affairs of honour" are concerned. That duels which occur in the service are mostly the offspring of an overweening pride—jealousy of compeers in the race of *glory*—is equally obvious, as that the desire of distinction, perhaps, makes as many heroes as the love of country. So far as this principle animates to mortal combat, in so far does it detract from the merit supposed to actuate those who dare the "cannon's mouth" in defence of their country. That the power over life and limb, which is, perhaps unavoidably, connected with naval and military command, tends to sow the seeds of despotism—that those who find themselves invested with this power, often forget right—we have all seen, and thousands have *felt* it as a curse. That the compulsion to submit to that discipline which sinks the *citizen* into the *mere soldier*, is unfriendly to the development of the mental energies, and fatal to that self-respect which is uniformly accompanied by the higher virtues, is obvious at the first blush. To say nothing of the other "thousand ills" of which war is

the cause, are not these considerations sufficient to call into action all the resources of human genius, all the better principles of humane and intelligent beings, for its extinction?

Little appropriate as some of these remarks may seem to be for an introduction to tales of blood-stained weapons, and ensanguined fields, they may not, perhaps, be the less pertinent and useful. Inquiry on every topic connected with man's happiness and interests is travelling with accelerated velocity, "the schoolmaster is" emphatically "abroad," and man seems lately to have arisen from the torpor of ages, the mental charnel house, to a new and hitherto unknown state of intellectual activity. May we not hope that the prophecy shall yet be literally fulfilled, that nation shall not rise against nation, nor ever more practise the art of human butchery?



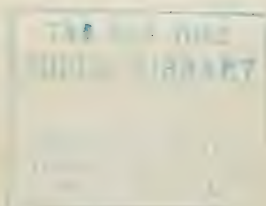
Battle of New-Orleans, January 8th, 1815. P. 26.



Landing of President Jackson at Castle Garden, New-York, June, 1833. P. 141

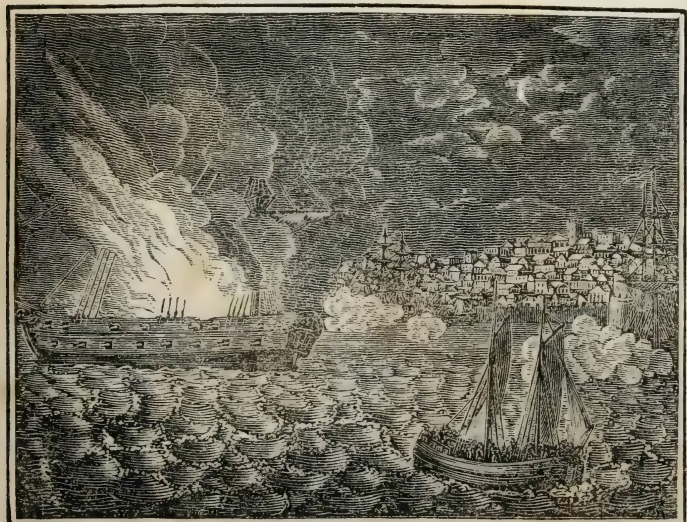
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Death of Tecumseh, Oct. 5th, 1813. P. 154.



Burning of the frigate Philadelphia, Feb. 1804. P. 196.

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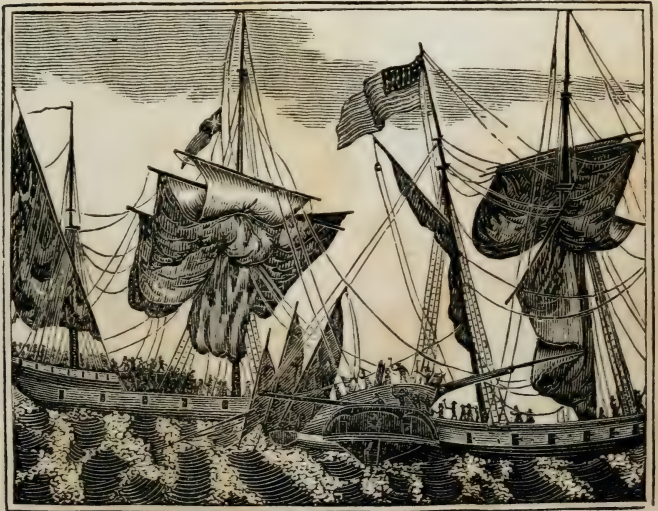
Capture of the Macedonian, Oct. 25th, 1812. P. 200.



Victory of York, U. C. Death of General Pike. P. 283.



Capture of the Peacock by Capt. Lawrence. P. 310.



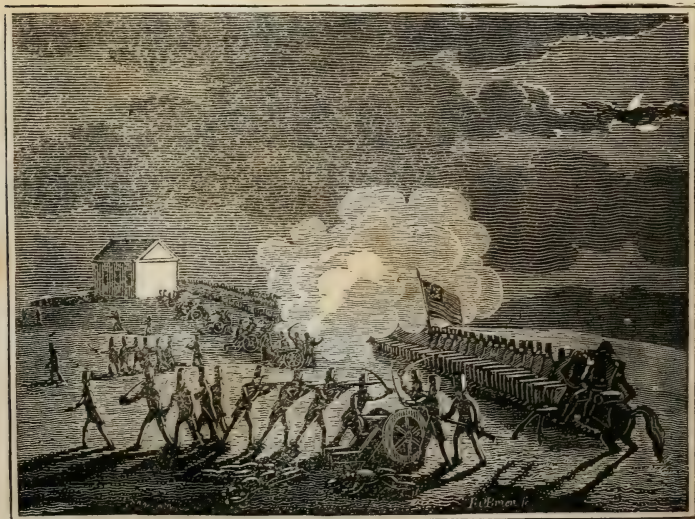
Capture of the Java, Dec. 29, 1812. P. 357.

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*Commodore Macdonough's Victory, and Battle of Plattsburgh.
P. 362 & 443.*



Battle of Bridgewater, July 25th, 1814. P. 382.

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Major Croghan's Defence at Lower Sandusky, Ohio, August, 1813.
P. 417.



Perry's Victory on Lake Erie, September 10th, 1813. P. 453.

THE
GLORY OF AMERICA.

ANDREW JACKSON.

IN whatever sphere of life a man has become conspicuous, whether in the department of literature, of art, or of science—whether he shines in the cabinet, or in the field—the curiosity natural to our species is excited, to inquire into his origin, and the circumstances connected with his juvenile years. This desire is laudable—it ought to be gratified;—but more particularly so when the subject of biography has arisen from apparent obscurity; nay, from a state of orphanage, to the highest honours which freemen can bestow. We have said this propensity is natural and laudable, and so far as information is within our power, it shall be gratified.

The father of the subject of the present memoir emigrated from Ireland, with his wife and two elder sons, in the year 1765. He settled in South Carolina, about forty-five miles from Camden, where ANDREW was born, March 15, 1767. While yet a child, his father died, in consequence of which his two elder brothers received merely a common school education, because of their small patrimony: the youngest, Andrew, was placed at an academy at the Waxsaw meeting-house, under the care of a Mr. Humphries, where he received the rudiments of a liberal education, his mother designing him for the ministerial office. The revolution, which ended in the emancipation of his country from British thralldom, having

begun, his studies were interrupted by the ravages of a ruthless enemy, who made an incursion into that quarter of his native state. Consequently, with his brother Robert, by his mother's permission, he joined the American army at fourteen years of age. His eldest brother had previously pursued the same course, and died of heat and fatigue at the battle of Stono.

The superiority of the British, in numbers and discipline, caused the Americans to retire into North Carolina, from which they returned to South Carolina in small parties, after they had learned that the British, under Cornwallis, had crossed the Yadkin. Lord Rawdon was then in possession of Camden, and had desolated the surrounding country.

In the attack upon the Waxsaw settlers after their return, a party of the British, under a Major Coffin, captured the two young Jacksons. While prisoners, both were severely wounded with swords by two British officers, for refusing to perform menial services required of them. The wound of Andrew was in his left hand, that of his brother on his head, which terminated his existence shortly after their exchange, which took place a few days before the memorable battle of Camden. Worn down with grief and affliction, his mother expired shortly after, near Charleston, leaving Andrew an unprotected orphan, then confined to a bed of sickness, which had nearly closed his sorrows and his life.

After his recovery, he did not again join the army, but expended without restraint a part of his patrimony before reflection had warned him of the consequences. Finding, however, that his exertions alone were to waft him through the tumultuous sea of life, he returned to his studies at New Acquisition, near Hill's iron works, under a Mr. M'Culloch. Here he completed his academic course as far as the place in which he lived, and his limited means, would permit. Having relinquished all thoughts of the clerical profession, in 1784, at the age of eighteen, he repaired to Salisbury, North Carolina, and studied law under Spruce M'Kay, Esq., and afterwards under Colonel John Stokes. In the winter of 1786, he was licensed to plead at the bar,

and remained at Salisbury until 1788, when he accompanied Judge M'Nairy to the state of Tennessee. Although it was his intention to return, he was so well pleased with the place, that he determined to make Nashville his future residence. Here the road to preferment was open and plain, and his industry and application to business, soon paved the way for his future elevation. He was several years attorney for the district wherein he resided. The frontiers of Tennessee were much indebted to his energy and patriotism for defence against the remorseless depredations of the savages. When that section of the United States was about to be admitted a separate member of the federative body, in 1796, he was chosen a member of the Convention for the formation of the State Constitution. The same year he was elected one of the Representatives in Congress from Tennessee, and in the following year the Legislature of that state appointed him one of its members in the Senate of the United States. This situation he resigned in 1799. He succeeded Major-General Conway in the command of the militia of that state, which formed but one division. He retained his commission of Major-General of militia, until May, 1814, when he was appointed to the same rank in the army of the United States. Immediately after he resigned his seat in the Senate of the United States, he was appointed to a seat on the bench of the Supreme Court of the state of Tennessee. This he likewise held but a short time, and retired to a handsome farm about ten miles from Nashville, on Cumberland river.

The clouds which had hovered over the political horizon of America for some years, at last burst furiously into a tornado, and war was declared by the American Government against Great Britain, on the 18th of June, 1812, in order to avenge itself of the manifold injuries heaped upon its citizens from a spirit of commercial jealousy by the British crown, during its long and unjustifiable contest with France. His military talents unfolded themselves in the various occasions he had to inflict chastisement on the tawny sons of the forest for disturbing the repose of the frontier settlements.

Congress having passed two laws in the year 1812, authorizing the President of the United States to accept the services of fifty thousand volunteers, General Jackson addressed the militia of his division on the subject, and twenty-five hundred, with himself at their head, tendered their services to their country.

This offer being accepted, in November of the same year, he was directed to descend the Mississippi with this force, for the defence of the lower country, which appeared to be menaced.

The troops accordingly met at Nashville on the 10th of December, ready to proceed to the place of destination. The weather was at that time severe, and the ground covered with snow. However, they began to descend the Ohio on the 7th of January, and having reached the Mississippi, they descended to Natchez, where his orders directed him to halt and wait for farther instructions. He encamped his troops on a healthy spot, two miles from Washington, Mississippi territory. Here he received an order from the War Department, dated January 5th, directing him to dismiss them, in consequence of the cessation of the cause which called for their services in that quarter, and directing him to deliver to General Wilkinson, the United States' commanding officer in that section, all the public property in his possession. At this time he had one hundred and fifty men on his sick list, fifty-six of whom were confined to their beds. This, with the low state in which many were placed with regard to their finances, and the promise he had made their relations to act the father to them, determined him not to obey so impolitic and so unjust an order, as that which had emanated from the Secretary at War, the author of "the Newburgh Letters," so famed as the stickler for "soldiers' rights," of which determination he made the War Department duly acquainted.

An attempt was made at this time to enlist men from his corps for the regular army, which he totally prohibited, determining to carry with him such of the United States' property as was necessary for the return of his forces to their original place of rendezvous prior to their discharge.

His resolve to disobey his instructions from the War Department respecting the discharge of his men at that distance from their homes, he communicated to his field officers, whom he had convoked for the purpose ; and notwithstanding their assent, three of his Colonels, Martin, Allcorn, and Bradley, with some platoon officers, veiled with the mantle of night, retired into conclave, the result of whose deliberations was, a recommendation to him of an immediate discharge of his troops in compliance with his orders. This duplicity of conduct he treated with the indignation he conceived it merited.

When once taken, his resolution was as unalterable as the laws of the Medes and Persians. Notwithstanding the remonstrative letter of General Wilkinson, General Jackson ordered the quarter-master to furnish the means necessary to convey the sick and baggage of his army back to Tennessee. Seeming to comply, the quarter-master procured eleven wagons, but on the day allotted for the troops to commence their return march, he came forward and discharged them all, in order to defeat the General's intention, by which it was judged the regular army might procure a multitude of recruits. General Jackson, however, seized upon the wagons ere they left his encampment, and thus frustrated a design the quarter-master had in view ; of which disappointment the latter informed General Wilkinson by express.

He arrived with his troops at Nashville, in May following, when he disbanded them according to order, with the exception of place and time, and advised the President of the United States of the course he had pursued, and his reasons therefor. On the march he deprived himself of the comforts allotted his rank for the benefit of the sick.

Their repose was but of short duration. The Creek Indians between the Chatahoochee and Tombigbee rivers began to manifest strong symptoms of a hostile conduct towards their white neighbours in the United States, and this was by no means allayed by the conduct of the Northern tribes, who, at the instigation of Great Britain, were preparing to "let slip the dogs of war" on the frontier settlements of the United States.

At this time appeared among the Shawanees, an impostor, calling himself "the Prophet," who, at the instigation of British agents, urged the various tribes to lift the tomahawk, and no longer smoke the calumet of peace. The brother of this villain, named *Tecumseh*, was sent to the Southern Indians to excite a like hostile temper. To effect these objects every artifice which duplicity and cunning could suggest was resorted to, and the success of these machinations was evinced in the manifold cruelties exercised on those whom the fortune of war threw into their way. On the decrepitude of old age or the imbecility of infancy, alike did the savages display their hellish refinements in torture and death. At first these intrigues were veiled in secrecy; and the garb of deceit was first thrown aside at Fort Mimms, on the 30th of August, when the savages having provided themselves with arms and ammunition from the Spaniards at Pensacola, slaughtered in the most cruel and ferocious manner nearly three hundred men, women, and children, who had fled thither for safety, seventeen only escaping to bear the doleful tale to the United States.

The news of the massacre at Fort Mimms electrified, as it were, the whole state of Tennessee to avenge their murdered brethren. The Legislature of that state enacted a law, authorizing the State Executive to call into actual service three thousand five hundred militia, for the purpose of carrying devastation and the sword into the heart of the Creek country, and appropriated \$300,000 for their equipment and support. The Creeks were divided into two parties; the war party prevailed, and the other looked to the United States for protection. The war party had gathered a formidable body, and were directing their course towards the frontiers of Tennessee, when the governor of that state issued his order to General Jackson to call out immediately two thousand militia, to rendezvous at Fayetteville. Jackson, at this time, was confined in consequence of a fractured arm received in a duel a short time before.

Notwithstanding this, he with alacrity obeyed the call. He ordered Colonel Coffee with his cavalry, five hundred

strong, and mounted riflemen, to proceed with all speed to Huntsville, in order to cover the frontier until the infantry could come up with them. A part of this latter force was composed of the volunteers who had descended the Mississippi with Jackson the preceding season. The 4th of October was the time appointed for their assemblage.

The General had not sufficiently recovered from his wound when the day for assemblage arrived. He consequently addressed them on the subject of the campaign through the medium of his aid, Major Reid.

His first care was the establishment of strict and wholesome regulations in camp, which he caused to be rigidly observed.

The greatest obstacles he encountered in this campaign proceeded from the contractor's department, the direction of which he was obliged to change more than once.

The friendly Creeks acted in unison, and served as spies in conveying information regarding the situation of the war party. The Ten Islands seemed to be their place of rendezvous, and to this place was the march of the army directed. They had reached almost to the Coosa river, and as yet, the East Tennessee troops had not formed a junction. On the march, the 28th October, twenty-nine prisoners of both sexes, and all ages, were brought into camp, from Littafuchee, a town on the head of Canoe Creek, which empties into the Coosa, by a detachment of two hundred cavalry, under Colonel Dyer, despatched for the purpose. Failures of contracts continued to obstruct the march of the army.

In the beginning of November, General Jackson learned from some prisoners and negroes, that the enemy were posted in force at Tallushatchee, distant about thirteen miles, on the south banks of the Coosa. General Coffee, with a body of nine hundred men, was sent to dislodge them. This service he completely effected, having killed one hundred and eighty-six, and taken eighty-four women and children prisoners, with the loss of five killed and forty-one wounded. His dead being buried, and his wounded taken care of, he joined the main army the same evening.

General Jackson took the necessary steps to create a depot at the Ten Islands, on the north side of the Coosa, supported by strong picketing and a chain of block-houses. He then designed to descend the Coosa to its confluence with the Tallapoosa, near which he was informed the savages were in force. The army exerted their strength in hastening the execution of the General's design, and the works were dignified with the name of "Fort Strother." On the 7th of December, in the evening, he was advised of a hostile force collected about thirty miles below, which meditated an attack on Talladega, in which the friendly Indians were shut, momentarily expecting an assault.

Notwithstanding the disappointment he experienced from the jealous conduct of General Cocke, who was of equal grade with himself, General Jackson moved his force judiciously to attack the enemy, in their then position, before they attempted an assault upon the friendly Creeks, or by a circuitous movement, could steal upon his encampment at Fort Strother. Arrived in the vicinity of Talladega, every disposition of force was made to ensure victory. The attack began. The savage foe was routed, and victory was complete. The enemy numbered one thousand and eighty, of whom two hundred and ninety-nine were left dead on the field; many were killed in the flight, and few escaped unhurt. Not less than six hundred were left useless, while the Americans lost but fifteen killed and eighty wounded, several of whom afterwards died.

To detail the difficulties General Jackson had to encounter in providing sustenance for his troops, in quelling mutinies, resulting from deprivations, and in surmounting difficulties, springing from the jealousies of rival officers, would too far exceed the limits of this work, which consequently confines the writer to a brief sketch of the more important transactions of his life. It is sufficient to mention, that the conduct of General Cocke to weave for himself a distinct chaplet for his own brow, was deleterious to the public service, and in a great degree marred the operations of General Jackson, who, if well seconded by his contractors, and the troops under the General from East

Tennessee, would have inflicted an early castigation, greater by far than they experienced at Talladega, and have put a speedy termination to the Creek war. Thus would many valuable lives have been saved to families and to the State, which were immolated on the altar of a mean and jealous ambition. Wherever the General met the foe, he was triumphant;—his troops were brave, but they were neither just to their own fame nor to their country, for whose sake patriotism cried aloud for the greatest sacrifices.

At the battle of Talladega, the Hillabees were the most distinguished sufferers, shortly after which they sued for peace. General Jackson was disposed to comply with their wishes, provided the instigators of the war, the property and prisoners taken from the Americans and friendly Creeks, and the murderers of the citizens of the United States, at Fort Mimms, were given up as prisoners. On the morning that Jackson's despatch was written to General Cocke, informing of the proposition of the Hillabees, General White, acting under Cocke's orders, had attacked a Hillabee town, killed sixty, and made two hundred and fifty-six prisoners. This event procrastinated the Creek war, for not one of the remainder of the Hillabees was afterwards known to ask for quarter, but fought until death terminated his struggle.

After encountering all the difficulties which resulted from the mutinous disposition of his otherwise brave and patriotic troops who returned home, he, on the 2d of January following, received an accession of eight hundred and fifty new troops, officered by men of their own choice. The difficulties respecting the command of these by General Coffee under Jackson being adjusted, the army, less than nine hundred strong, began its march from Fort Strother, for Talladega, where were collected about two hundred friendly Cherokee and Creek Indians. These afforded an aggregate army of about one thousand men, badly armed and as badly equipped, with which Jackson was to invade the hostile Creek territory, that he might create a diversion in favour of General Floyd, who was advancing with the forces from Georgia. It was thought

about this time that the information was correct, that the warriors from fourteen towns, near Tallapoosa, were to unite their strength and attack Fort Armstrong. Arriving at Talladega, General Jackson received advice from the Commander of Fort Armstrong, that the post was menaced.

Falling on some trails on the 21st of January, General Jackson discovered by his spies, that the enemy was not three miles distant. At the dawn of the 22d, the savages commenced a furious attack on the American left, under Colonel Higgins, which bore the brunt of the action. In half an hour the Indians were routed and chased two miles from the field of battle. The defeat was complete. The loss of the Americans was only five killed and twenty wounded. This was fought at an Indian town called Emuckfaw. Having returned from the pursuit of the routed enemy, General Jackson despatched General Coffee with four hundred men to destroy the Indian encampment, if not too strong. Having reconnoitred its position, he judiciously returned to the main body without making an attack.

In less than an hour after his return to camp, the savages commenced an attack, by way of feint, on Jackson's right, which gave General Coffee the chance of fighting them in equal combat. The conflict lasted about one hour, with nearly the same loss, when, by means of a reinforcement from General Jackson, the Indians were defeated. General Coffee was severely wounded, but continued to fight while the battle lasted: In the mean time Jackson's whole force was attacked, which terminated in the overthrow of the savages. This was called the second battle of Emuckfaw.

Jackson prepared litters for his wounded, and commenced his return to the Ten Islands, taking every precaution to prevent the savages from attacking him by surprise. The next day, however, as he was crossing a Creek at a place called Enotichopco, the savages begun another battle, and the confusion that ensued by the giving way of part of the American force, had nearly proved fatal to them. The savages were, however, by the resolute bravery of

a part of the Americans, totally defeated. The whole American loss in the several conflicts fought during these twenty-two days, was twenty killed and seventy-five wounded. The loss of the Indians was more than two hundred who never returned from battle.

General Jackson, having transported his camp equipage and provisions down the Coosa river, directed his volunteers and company of artillery to be marched home and honourably dismissed.

On the 3d of February, Governor Blount of Tennessee issued his order for a detachment of twenty-five hundred militia of the second division to rendezvous on the 28th of the same month, for three months' service, in conformity to a law of Congress. General Cocke brought, by requisition, about two thousand men from West Tennessee, badly armed, and at the same time pursued a highly dishonourable and disgraceful line of conduct, to produce the failure of the campaign. Jealous of another's fame, envy was the fiend that meanly lurked in his bosom.

Colonel Williams arrived at camp with six hundred men badly armed. General Johnson with his brigade arrived on the 14th of February. General Doherty, from East Tennessee, had arrived, and Jackson found himself at the head of a raw and undisciplined army of five thousand men. To repress a spirit of mutiny, which exhibited itself in times of scarcity and inactivity, an example was become necessary. A private by the name of John Wood, who had manifested a mutinous disposition, was taken into custody, a Court Martial called, and he was sentenced to be shot. This was rigidly executed, and it produced the happiest consequences.

The infamous conduct of General Cocke, in endeavouring to produce the disaffection of General Doherty's brigade, in order to defeat the object of the campaign, induced General Jackson to issue orders to Doherty, to seize and send to Fort Strother every officer, regardless of rank, who should be guilty of exciting mutiny in camp.

Apprehensive of consequences, Cocke timely retired, and escaped punishment.

Colonel Dyer was, about this time, despatched with six

hundred men to the head of Black Warrior, to disperse any Indians that might be in force in that quarter, and otherwise cut off the supplies of the army. After eight days march along the banks of the Cahawba, the detachment returned to camp. They had fallen in with a trail, but discovered no enemy.

Having dismissed all invalids and troops badly equipped, General Jackson commenced his march for Fort Strother on the 14th of March, and arrived on the 21st at the mouth of Cedar Creek, on the site of Fort Williams. Here he left Brigadier-General Johnson, with an adequate force for the protection of the fort, and eight days provision; and begun his march on the 24th, for the Tallapoosa, by way of Emuckfaw, in order to dislodge the Indian encampment, near the Oakfusky villages, which had been surveyed and left unattacked by General Coffee on the 22d of January last, on account of its strong position. On the 27th, after fifty-two miles' march, he arrived at the village of Tohopeka. Here the Indians were strongly posted at the Horse-shoe, and it was necessary to dislodge them. The dislodgement was effected with great skill and bravery. This battle was the death blow to the hopes of the savage war-party. So bloody was the conflict, that only four savages surrendered prisoners, with three hundred women and children. Some few escaped, but they generally met death with a bravery becoming a better cause. Jackson's loss was, including the friendly Indians, fifty-five killed and one hundred and forty-six wounded. Having accomplished the object of his march, he returned with his troops, unmolested, to Fort Williams. He paraded his army on the 2d of April, and delivered them a most pertinent address on the destruction of the Tallapoosa confederacy.

Learning that the savages had collected in force at Hoithlewalee, not far from a place called the Hickory Ground, he left his sick and wounded at the fort under command of Brigadier-General Johnson, and begun his march with all his disposable troops on the 7th of April, to attack the enemy at Hoithlewalee, and to effect a junction with the North Carolina troops under General Graham, and the Georgia troops, under Colonel Milton, who were ad-

vancing on the south of the Tallapoosa. Owing to the rains, which occasioned a swell in the creeks, he did not reach the place of attack until the enemy, being apprised of his approach, had fled, leaving him nothing but an empty village, which a part of his army, who had passed the creek, destroyed. This was on the 13th, and on the next day he formed a junction with the Georgia troops.

About this time, the head warriors of the tribes settled on the Hickory Ground, and sued for peace. The General required as a proof of their sincerity, that they should remove, and settle in the rear of the army and to the north of Fort Williams. In the mean time, detachments were sent out to scour the country in various directions. He then proceeded with the army to the site near the mouth of the Coosa, where Fort Jackson was to be built. Weathersford, the principal of the actors in the massacre at Fort Mimms, presented himself voluntarily before General Jackson, as a suppliant for peace, and behaved with the dignity of a fallen hero, which would grace the character of a man in the most civilized ages of any nation or country. Determined not to be outdone in magnanimity, Jackson suffered him to depart, leaving it optional with himself to make good his professions for peace, or collect the scattered remnant of his nation to prosecute the war. He at the same time informed him, that, should he prefer the latter, if taken in arms, his life should pay the forfeit of his crimes.

General Pinckney arrived on the 20th of April, and took on himself the command.

Having accomplished the object of the campaign by the total destruction of the confederacy and re-establishment of peace, General Pinckney directed the return of the West Tennessee troops to their homes, and caused seven hundred and twenty-five men from General Doherty's brigade from East Tennessee, whose time of service had not nearly expired, to be detailed for garrisoning the line of forts. Four hundred men had been left to garrison Fort Williams; and the country had been scoured for fugitive savages. Jackson proceeded with the remainder of his troops on his march home, crossed Tennessee river, reach-

ed camp Blount near Fayetteville, and discharged his troops from farther service.

The dispersed war party had taken refuge within the Floridas, particularly at Pensacola. In consequence of the resignation of General Hampton, General Jackson received a commission from the War Department, dated the 22d of May, constituting him a Brigadier-General, and Major-General by brevet, in the regular army of the United States. General Harrison shortly after resigned, and he was appointed a Major-General, to supply the vacancy. He was directed by his government to open a treaty with the Indians, for which purpose he arrived at the Alabama with a small retinue, on the 10th of July, and on the 10th of August effected the execution of a treaty highly satisfactory to the United States.

In consequence of a deviation from the strict laws of neutrality by the Spanish Governor of West Florida, in the aid and succour he afforded the hostile Indians, General Jackson turned his attention towards Pensacola. Three hundred English troops had landed, and were fortifying themselves at the mouth of the Apalachicola. They were also employed in instigating the savages to farther acts of hostility. Of this fact the General became acquainted on his way to the Alabama; and despatched information of the fact to his government. On his arrival at Fort Jackson he used all diligence to make himself fully acquainted with the state of affairs with the Spaniards, English, and savages. On account of the perfidious conduct of the Governor of Pensacola, he opened a correspondence with that officer, who exposed the duplicity of his demeanour in the imbecility of his logic. Having disposed of affairs at Fort Jackson, he started next day for Mobile. In consequence of the storm which he was satisfied was gathering in that quarter, he lost no time in putting the country in as good a posture of defence as his limited means would admit. His whole disposable force of the United States' troops consisted of the 3d regiment, and parts of the 44th and 39th. The patriotism of the people of Tennessee was again to be tested. General Coffee was written to by Colonel Butler, to advance as speedily as possible with all the mounted

troops he could collect. The Colonel, who had received the request at Nashville on the 9th of September, was to follow with all the volunteers he could procure, with the least possible delay. In fourteen days, Captains Baker and Butler arrived at Mobile with two companies of newly enlisted regular troops; and the Tennessee troops commenced their march with alacrity and spirit.

The arrival of Colonel Nicholls at Pensacola with a small British squadron, the attack on Fort Bowyer, at which the British were valiantly repulsed by one tenth of their numbers, and their reception by Governor Manriquez at Pensacola after their repulse, determined General Jackson to proceed against that capital.

General Coffee arrived with his brigade, consisting of two thousand eight hundred, at the Cut-Off, a place above Fort St. Stephens, and was visited in his encampment by General Jackson on the 26th of October. One thousand of the brigade, engaged as mounted men, on account of the difficulty of subsisting cavalry, without murmur dismounted, to serve as infantry, and left their horses behind them.

The British and Spaniards, divining the intentions of Jackson, made every disposition for the defence of Pensacola. The American army, three thousand strong, took up their line of march on the 2d of November, and encamped before it on the 6th. Determined to dislodge the British from that post, he previously demanded of Governor Manriquez an explanation of his conduct. The flag bearing the demand was fired on, and the officer returned. The British flag, the day before the attack, waved on the ramparts in unison with the Spanish—the following day the Spanish waved alone to protect a foe of the United States under its dastardly banners. Subsequent communications took place; the governor lodged all his faults on the shoulders of his English friends. From the deceptive behaviour of the Spaniards, no reliance was to be placed on their professions, and it became necessary to use force. The place was taken—the British driven away—the Spaniards humbled—the Barrancas forts, fourteen miles distant, commanding the harbour, blown up by the British. The blowing up of the Barrancas was a great mortification to

the Spaniards, and, at the same time, defeated General Jackson's object of retaining possession of the town and fortifications, until the pleasure of his government should be made known, as he bottomed his conduct on the urgency of the case, without awaiting their pleasure. The left column, in this attack, alone met with resistance. The Americans had twenty wounded and none killed. In consequence of the destruction of the Barrancas, General Jackson relinquished the possession of Pensacola to Governor Manriquez, who immediately set about reconstructing the Barrancas. In this work the British commanding officer proffered assistance. Manriquez answered, that when help was needed, he should apply to his friend General Jackson.

In consequence of the result of this expedition, the Indians who took refuge in Florida, finding themselves without British aid, fled to the Appalachicola, and some fled on board the British shipping, and were afterwards put on shore to act for themselves. Major Blue, of the 39th regiment, was despatched to dislodge the Indians at Appalachicola, assisted by General McIntosh with the Georgia troops, then in the Creek country. Having effected this object, they were ordered to the defence of Mobile.

General Winchester arrived at the Alabama, and Jackson delivered to him the command of that portion of territory on the 22d of November, and hastened to New Orleans, where he conceived his presence most necessary.

In taking possession of the command of Louisiana, he found a new theatre of action. The Legislature of the territory had seconded the General's views in every measure of defence; and prior to his relinquishment of the Mobile command, he had continually corresponded with Governor Claiborne for that object. It had now become manifest, that some point on the Mississippi was the object of attack by the enemy, and more especially New Orleans. Obstructions and defences were made as barriers to all the passes which led that way. Gun-boats were sent into Lake Borgne. Every defence was made, when the British appeared off the coast, at Cat and Ship Island, within a short distance from the American lines. On the 13th of

December the enemy moved off in his barges towards Pass Christian.

In the act of bringing off a small depot of public stores at the Bay of St. Louis, the gun-boat *Sea Horse*, Johnson commander, in a second attack from the enemy, was blown up by her crew, who with her commander retreated by land.

On the 14th, the American gun-boat fleet, consisting of five vessels, one hundred and eighty-two men, and twenty-three guns, was attacked by a British force of forty-three gun-boats, twelve hundred men, and forty-three guns. The Americans were vanquished with the loss of six killed and thirty-five wounded. The loss of the British was not less than three hundred. Notwithstanding the prowess of the Americans, they from motives of humanity and unyielding necessity, surrendered to a superior force.

This unexpected blow marred in prospective all the views of Jackson. He apprized General Winchester of the unhappy disaster, the probable result, and gave his advice respecting measures to be pursued, in order to ward off the consequences.

While the clouds of danger thickened, the sky of his reputation was brightening. He inspirited his troops and the population generally. Expecting that the blow would be directed against New Orleans, he exerted every energy for the protection of that important post. Having reviewed and addressed the militia on the importance of the occasion, he despatched an express in quest of General Coffee, which reached him on the 17th of December, and that officer, by the most persevering industry, encountering difficulties by disease and weather, arrived within fifteen miles of New Orleans on the 19th, a distance of 150 miles. On the 20th he halted within four miles of that city. The troops had braved the dangers of weather and climate, in a march of more than 800 miles, without murmur. Such is the devotion of men, when engaged in support of the native dignity of their character. General Carroll was likewise advancing with a brigade for defensive operations, of which he advised General Jackson by his aid, Colonel Hynes.

However feeble his force might be, he determined to meet the enemy on the threshold of their landing. The government of the United States were continually advised both of his apprehensions and means of defence. Assistance was experienced from some sections, and disappointments from others; and chagrin often attended his exertions. The path the General had to tread was thorny in the extreme, assailed as he was, by the wiles of the enemy on one side, and discontent from the disaffected on the other.

The period arrived which tested the sternness of his character: imbecility, fear, and treason, uniting against the direct path of patriotism, he was constrained, for the safety of the state, to proclaim martial law at New Orleans. The event showed the wisdom of the measure, as it avoided deleterious results from the conflicting passions which then agitated the public mind. Smothering treason wherever it appeared, and concentrating every other feeling into one common reservoir to repel a common foe, Jackson was obliged to act, not according to law, but circumstances. General Carroll joined Coffee's encampment on the 21st of December, and reported himself accordingly. The Kentucky troops had not yet arrived; and, notwithstanding every vigilance, the British effected a landing within seven miles of New Orleans. The secrecy of the embarkation was ascribed to the treachery of the naturalized Spanish fishermen who supplied that market with fish. Their debarkation was announced to the General after the capture of the guard at Bayou Bienvenue, on the 22d of December. A knowledge of this event threw the city into the greatest consternation. Signal guns were fired—expresses were forwarded—forces were concentrated, and every preparation adopted for defence.

General Jackson advanced against the enemy, determined to attack them in their first position. The attack was made in the night of the 23d of December, at half past seven o'clock. It was commenced by a fire from the schooner *Caroline*, which dropped down the river to open on the rear of the camp. This was the signal for General Coffee to fall on the right, while General Jackson

attacked the left, near the river. It resulted honourably to the American arms, but produced nothing decisive. The enemy's force amounted to about three thousand men; that of General Jackson did not exceed fifteen hundred. The conflict lasted an hour, and was supported with great firmness. General Jackson remained on the field until four o'clock in the morning, when he took a new position two miles nearer the city; having lost in this affair twenty-four killed, one hundred and fifteen wounded, and seventy-four missing—total, two hundred and thirteen.

The enemy succeeded, on the 27th, in blowing up the Caroline, by means of hot shot from a land battery erected in the night. On the 28th, he advanced, with his whole force, against General Jackson, in the hope of driving him from his position, and with this view opened a fire with bombs and rockets, at the distance of about half a mile. The enemy was repulsed, with a loss of about one hundred and twenty men. The Americans lost seven killed, and had eight wounded.

On Sunday morning, the 1st of January, 1815, the enemy had advanced within six hundred yards of the American breast-works, under cover of night and a heavy fog, and had erected the preceding night three different batteries, mounting in all fifteen guns, from sixes to thirty-two's. About eight o'clock, when the fog cleared off, they commenced a most tremendous fire upon the Americans, but it was amply returned by them; and a heavy cannonading was kept up, without the least interval on either side, except that occasioned by the explosion of a magazine in the rear of one of the American batteries, and another magazine in the night, owing to the enemy's Congreve rockets. By four o'clock in the afternoon, the Americans had dismounted all the enemy's guns except two. The British retreated, during the night, to their strong hold, about a mile and a quarter from the American camp. Twice did the enemy attempt to storm and carry the American batteries, but were as often repulsed. On New Year's day the loss of the Americans was eleven killed, and twenty-three badly wounded. That of the enemy,

from the accounts of two prisoners taken on that day, and three deserters afterwards, must have been much greater.

According as the woodsmen arrived to the aid of General Jackson's army, they were disposed to the best advantage, for the purpose of defence; but these forces not being of a very efficient nature, especially as the men could not be all provided with the necessary arms, the General could not attempt any thing against the enemy, who was thus left to pursue, undisturbed, his laborious operations.

During the days of the 6th and 7th, the enemy had been actively employed in making preparations for an attack on Jackson's lines. With great labour, they had succeeded on the night of the 7th in bringing their boats across from the lake to the river, by widening and deepening the canal on which they had effected their disembarkation.

General Jackson was on the left side of the river, patiently waiting the attack. General Morgan, with the New Orleans contingent, the Louisiana militia, and a detachment of Kentucky troops, occupied an entrenched camp on the opposite side of the river, protected by strong batteries on the bank, superintended by Commodore Patterson.

On Sunday, the 8th, at half past 6 o'clock, A. M. the enemy began a very heavy cannonade upon the American lines, from his batteries of 18 and 12 pounders, supported by the musketry of two thousand five hundred men, who marched in close columns, and advanced nearer than musket shot distance to the intrenchments, armed with rockets, obuses, and fascines, to storm the batteries; they directed their principal attack against the head of the line flanked by the river, and the left resting on the cypress swamp, as well as against the tirailleurs and riflemen, placed above the swamp; the roaring of the guns, and firing of the musketry, lasted two hours and a quarter; the enemy's mortars, though directed against the centre, did no harm to the troops; the bursting of their bombs in the works was of no effect. Two British officers, and a French engineer named Rennie, who

had gained the summit of the American parapet, were killed or wounded and made prisoners; (the engineer and one colonel were killed;) after this affair, the field, in front of the works, was strewn with British wounded and killed.

General Jackson thus briefly details the particulars of attack:

"In my encampment every thing was ready for action; when early on the morning of the 8th, the enemy, after throwing a shower of bombs and Congreve rockets, advanced their columns on my right and left, to storm my intrenchments. I cannot speak sufficiently in praise of the firmness and deliberation with which my whole line received their approach. More could not have been expected from veterans inured to war. For an hour, the fire of small arms was as incessant and severe as can be imagined. The artillery, too, directed by officers who displayed equal skill and courage, did great execution. Yet the columns of the enemy continued to advance with a firmness which reflects on them the greatest credit. Twice, the column which approached me on my left, was repulsed by the troops of General Carroll, those of General Coffee, and a division of the Kentucky militia, and twice they formed again, and renewed the assault. At length, however, cut to pieces, they fled in confusion from the field, leaving it covered with their dead and wounded."

Simultaneously with the attack on General Jackson's lines, an attack was made on the works of General Morgan. Had the enemy been met with resolution in this attack, it must have produced his entire destruction; but, unfortunately, the Kentucky reinforcements fled, drawing after them, by their example, the remainder of the forces, and leaving the batteries to the enemy; not, however, until after the guns were spiked. While General Jackson was preparing to dislodge the enemy from the captured battery, the British troops were withdrawn, and the post re-occupied by the Americans.

The return of the killed, wounded, and prisoners, taken at the battle of MacPrardie's plantation, on the left bank of the Mississippi, on the morning of the 8th of January,

1815, and five miles below the city of New Orleans, consisted of—killed, seven hundred; wounded, fourteen hundred; prisoners, five hundred—total, two thousand six hundred.

Among the slain, were General Sir Edward Packenham, the chief, and General Gibbs, the third in command; General Keane, the second in command, was severely wounded. General Lambert succeeded to the command.

His total loss in the different engagements, was not less than five thousand. The loss to the Americans, on the 8th, on both sides of the river, was thirteen killed, thirty-nine wounded, and nineteen missing; total killed, wounded, and missing, this day, seventy-one; of this number but six were killed, and seven wounded, in the action of the line.

The enemy intended to pass Fort Philip, in order to co-operate with the land forces in the attack at New Orleans. On the 9th January, at half past three, P. M. the enemy's bomb vessels opened their fire against the fort, from four sea mortars, two of them thirteen inches, and two of ten, at so great a distance, that the shot from the fort could not reach him. The enemy's fire continued with little intermission, and with little interruption from the fort, during the 10th, 11th, 12th, 13th, 14th, 15th, 16th, and 17th. On the evening of the 17th, a heavy mortar was put in readiness, and opened on the enemy, with great effect. At day-light on the 18th, the enemy retired, after having thrown upwards of one thousand heavy shells, besides small shells from the howitzers, round shot and grape, which he discharged from boats, under cover of the night. Scarcely ten feet of the garrison remained untouched; yet the loss of men was small, consisting of two killed, and seven wounded. This saving of men was owing to the great pains taken by the officers to keep their men under cover.

All the enemy's movements, after the action of the 8th of January, were calculated to secure his retreat, should such prove necessary, as appearances then indicated that it would. Their intention was, however, masked by a menacing attitude, as if preparing for a renewal of the

attack on Jackson's line. They had erected batteries to cover their retreat, in advantageous positions, from their original encampment to the Bayou, through which they entered Lake Borgne. The cannon placed on these batteries could have raked a pursuing army in every direction. The situation of the ground, through which they retired, was protected by canals, redoubts, intrenchments, and swamps, on the right; and the river on the left.

After the action of the 8th, the artillery, on both sides of the river, was constantly employed in annoying the enemy. An attempt to storm his batteries would have produced great slaughter among the Americans, been doubtful of success, and might possibly have induced the enemy to delay his departure; therefore General Jackson resolved to secure the advantage obtained, with the least possible loss or hazard.

All hope which the enemy had of reducing Fort Philip, had vanished; and on the night of the 18th, they precipitately decamped, and returned to their shipping, leaving behind them eighty of their wounded, fourteen pieces of heavy artillery, and an immense number of balls, having destroyed much of their powder.

Mr. Shields, purser in the navy, on the 16th and 17th of January, in letters to his friend, says:

"The day after the gun boats were taken, I was sent down under a flag of truce, to ascertain the fate of our officers and men, with power to negotiate an exchange, especially for the wounded. But the enemy would make no terms—they treated the flag with contempt, and myself and the surgeon, who was with me, as prisoners, until the 18th inst. He has now lowered his tone, and begs the exchange that we offered. Defeat has humbled the arrogance of the enemy, *who had promised his soldiers forty-eight hours pillage and rapine of the city of New Orleans!!*"

The watch word and countersign of the enemy, on the morning of the 8th, was BEAUTY and BOOTY. Comment is unnecessary on these significant allusions held out to a licentious soldiery.

Thus ended in disgrace and discomfiture to the enemy,

an expedition which occupied several months in its preparation, and was composed of at least ten thousand troops drawn from almost every part of the world, where the British had garrisons or soldiers. Nothing was left undone to secure the occupation of an immense province, and the command of a river extending thousands of miles through the most fertile countries in the world; and on which several of the United States depended as an outlet and market for their produce.

From an official account, it appeared, that the number of men under command of General Jackson, and actually engaged against the enemy, on the 8th of January, amounted to four thousand six hundred and ninety-eight. The enemy's force, by his account, exceeded ten thousand.

By an article in a Jamaica paper, of the 3d of December, it was stated, that the expedition then prepared to go against the United States, under command of Sir Alexander Cochrane, and Major-General Keane, (the same that afterwards entered the Mississippi,) consisted of one ship of 80 guns, five of 74, three of 50, one of 44, six of 38, two of 36, three of 32, three of 16, two of 14, and three of 6 guns—total, twenty-nine vessels, carrying one thousand and eighty-four guns; besides a great number of cutters, and twenty-nine transports.

On the 21st of January, General Jackson directed an address to be publicly read at the head of each of the corps composing the lines near New Orleans. It must have been a difficult and delicate task to do justice to individuals, where all acted so well; proving, in the General's words, that "a rampart of high minded men is a better defence, than the most regular fortification."

This address contained the following emphatical paragraph:

"Reasoning always from false principles, the enemy expected little opposition from men whose officers were not even in uniform, who were ignorant of the rules of dress, and who had never been caned into discipline;—fatal mistake! a fire incessantly continued, directed with calmness, and with unerring aim, strewed the field with

the brave officers and men of the column which slowly advanced, according to the most approved rules of European tactics, and was cut down by the untutored courage of the American militia. Unable to sustain this galling and unceasing fire, some hundreds nearest the intrenchments called for quarter, which was granted—the rest, retreating, were rallied at some distance, but only to make them a surer mark for the grape and canister shot of our artillery, which, without exaggeration, *mowed down whole ranks at every discharge*; and, at length, they precipitately retreated from the field.”

Several desperate characters, citizens of the United States, as well as foreigners, natives of different countries, had associated themselves into a band of pirates, under their chief Lafitte, and had taken up their residence in the island of Barrataria, near the mouth of the Mississippi. The government of the United States caused this unlawful establishment to be broken up. The expedition against the Barratarians, took possession of all their piratical vessels, their prizes, and a considerable quantity of arms and property, without opposition, on the 16th of September, 1814. The vessels thus taken, consisted of six schooners, and one felucca, cruisers and prizes of the pirates, one brig, a prize, and two armed schooners, both in line of battle with the armed vessels of the pirates. The establishment on shore, which was also taken into possession, consisted of about forty houses. The pirates had mounted on their vessels twenty pieces of cannon, of different calibres, and their number consisted of between eight hundred and one thousand men, of all nations and colours. The expedition against the pirates was under command of Commodore Patterson, of the navy, having on board a detachment of land troops, commanded by Colonel Ross.

The Barratarian pirates took part in the defence of New Orleans against the British, and were both active and serviceable. It was also satisfactorily ascertained, that they had, previous to their dispersion, refused an alliance with the British, rejecting the most seducing terms of invitation. Induced, by these considerations, and at

the recommendation of the General Assembly of the state of Louisiana, the President of the United States granted to such of them as aided in defence of New Orleans, a full pardon for all offences against the laws of the United States, committed previous to the 8th of January, 1815.

On the approach of the enemy, a portion of the French population obtained from the resident French Consul certificates of French citizenship. The General allowed their validity ; but sent these alien exempts from military duty, under a military guard, one hundred and twenty miles from his camp and besieged city, to Baton Rouge, in the interior.

A printer had misrepresented that General Jackson's order of removal applied indiscriminately to the whole French population. The French Consul, Toussard, a second time resisted the martial law, by claiming for his king individuals of the city militia. He even erected a standard, and under pretext of the violations of the liberty of the French citizens, invited them to revolt. General Jackson considering farther forbearance as criminally endangering the lives of even these mongrel citizens, and as calculated to betray the city to the enemy, arrested this Consul ; and Judge Hall of the Supreme Court issued a writ of *habeas corpus* to compel the enlargement of the prisoner. The General, still determined to maintain his martial law, and thereby bind together this heterogeneous population to the defence of the city, ordered the Judge into confinement, and to be removed without the lines of defence. Boldly indeed, and with an unyielding spirit, the General compelled and controlled the public safety.

After the peace was officially known at New Orleans to have been ratified, and when the martial law had ceased to operate, General Jackson was cited to answer before the Judge, whom he had arrested, to show cause why an attachment should not issue against him, for a contempt of the court in sundry particulars relating to the writ of *habeas corpus*. The General, disdaining to evade a requisition of the law, submitted himself to the court, and by his counsel, offered to present to it his defence in writing, but which was rejected, without being read. The following is the closing portion of his defence:—

“ With the impressions this correspondence was calculated to produce, the respondent arrived in this city, where, in different conversations, the same ideas were enforced, and he was advised, not only by the Governor of the state, but very many influential persons, to proclaim MARTIAL LAW, as the only means of producing union, overcoming disaffection, detecting treason, and calling forth the energies of the country. This measure was discussed and recommended to the respondent, as he well recollects, in the presence of the judge of this honourable court, who not only made no objection, but seemed, by his gestures and silence, to approve of its being adopted. These opinions, respectable in themselves, derived greater weight from that which the Governor expressed of the legislature then in session. He represented their fidelity as very doubtful; ascribed design to their prolonged session, and appeared extremely desirous that they should adjourn.

“ The respondent had also been informed, that in the house of representatives, the idea, that a very considerable part of the state belonged to the Spanish government, and ought not to be represented, had been openly advocated, and favourably heard. The co-operation of the Spaniards with the English was, at that time, a prevalent idea. This information, therefore, appeared highly important. He determined to examine, with the utmost care, all the facts that had been communicated to him; and not to act upon the advice he had received, until the clearest demonstration should have determined its propriety. He was then almost an entire stranger in the place he was sent to defend, and unacquainted with the language of a majority of its inhabitants. While these circumstances were unfavourable to his obtaining information, on the one hand, they precluded, on the other, a suspicion that his measures were dictated by personal friendship, private animosity, or party views. Uninfluenced by such motives, he began his observations. He sought for information, and, to obtain it, communicated with men of every description. He believed that even then he discovered those high qualities, which have since

distinguished those brave defenders of their country; that the variety of language, the difference of habit, and even the national prejudices, which seemed to divide the inhabitants, might be made, if properly directed, the source of the most honourable emulation. Delicate attentions were necessary to foster this disposition; and the highest energy, to restrain the effects, that such an assemblage was calculated to produce; he determined to avail himself of both, and with this view called to his aid the impulse of national feeling, the higher motives of patriotic sentiment, and the noble enthusiasm of valour. They operated in a manner which history will record; all who could be influenced by those feelings, rallied without delay round the standard of their country. Their efforts, however, would have been unavailing, if the disaffected had been permitted to counteract them by their treason, and the timid to paralyze them by their example, and both to stand aloof in the hour of danger, and enjoy the fruit of victory without participating in the danger of defeat.

“A disciplined and powerful army was on our coast, commanded by officers of tried valour and consummate skill; their fleet had already destroyed the feeble defence, on which, alone, we could rely to prevent their landing on our shores. Their point of attack was uncertain; a hundred inlets were to be guarded, by a force not sufficient in number for one; we had no lines of defence; treason lurked among us, and only waited the moment of expected defeat, to show itself openly; our men were few, and of those few, not all were armed; our prospect of aid and supply was distant and uncertain; our utter ruin, if we failed, at hand, and inevitable; every thing depended on the prompt and energetic use of the means we possessed—on calling the whole force of the community into action; it was a contest for the very existence of the state, and every nerve was to be strained in its defence. The physical force of every individual, his moral faculties, his property, and the energy of his example, were to be called into action, and instant action. No delay—no hesitation—no inquiry about rights, or *all* was lost; and

every thing dear to man, his property, life, the honour of his family, his country, its constitution and laws, were swept away by the avowed principles, the open practice of the enemy with whom we had to contend. Fortifications were to be erected, supplies procured, arms sought for, requisitions made, the emissaries of the enemy watched, lurking treason overawed, insubordination punished, and the contagion of cowardly example to be stopped.

“ In this crisis, and under a firm persuasion that none of those objects could be effected by the exercise of the ordinary powers confided to him—under a solemn conviction that the country committed to his care could be saved by that measure only, from utter ruin—under a religious belief, that he was performing the most important and sacred duty, the respondent proclaimed martial law. He intended by that measure, to supersede such civil powers as, in their operation, interfered with those he was obliged to exercise. He thought, in such a moment, constitutional forms must be suspended, for the permanent preservation of constitutional rights, and that there could be no question, whether it were best to depart for a moment from the enjoyment of our dearest privileges, or have them *wrested* from us for ever. He knew, that if the civil magistrates were permitted to exercise their usual functions, none of the measures necessary to avert the awful fate that threatened us, could be expected. Personal liberty cannot exist at a time when every man is required to become a soldier. Private property cannot be secured, when its use is indispensable to the public safety. Unlimited liberty of speech is incompatible with the discipline of a camp; and that of the press more dangerous still, when made the vehicle of conveying intelligence to the enemy, or exciting mutiny among the troops. To have suffered the uncontrolled enjoyment of any of those rights, during the time of the late invasion, would have been to abandon the defence of the country: the civil magistrate is the guardian of those rights; and the proclamation of martial law was, therefore, intended to supersede the exercise of his authority, so far as it interfered with the necessary restriction of those rights—*but no farther*.

“The respondent states these principles explicitly, because they are the basis of his defence, and because a mistaken notion has been circulated, that the declaration of martial law only subjected the militia in service to its operation. This would, indeed, have been a very useless ceremony, as such persons were already subject to it, without the addition of any other act. Besides, if the proclamation of martial law were a measure of necessity,—a measure, without the exercise of which the country must unquestionably have been conquered, then does it form a complete justification for the act. If it do not, in what manner will the proceeding by attachment for contempt be justified? It is undoubtedly and strictly a criminal prosecution; and the constitution declares, that, in all criminal prosecutions, the accused shall have the benefit of a trial by jury; yet a prosecution is even now going on in this court, where no such benefit is allowed. Why? From the alleged necessity of the case, because courts could not, it is said, subsist without a power to punish promptly by their own act, and without the intervention of a jury. Necessity, then, may, in some cases, justify a departure from the constitution: and if in the doubtful case of avoiding confusion in a court, shall it be denied in the serious one of preserving a country from conquest and ruin? The respondent begs leave to explain, that in using this argument, he does not mean to admit the existence of necessity in the case of attachment; but to show that the principle of a justification from necessity is admitted, even in the weaker case. If the legislature of the United States have given to courts the power to punish contempts, it is no answer to this defence, for two reasons: first, because the words of the law do not necessarily exclude the intervention of a jury; and, secondly, if they do, the law itself is contrary to the words of the constitution, and can only be supported on the plea of necessity; to which head it is referred by the English writers on the subject.

“The only responsibility which has been incurred in the present case, is that which arises from necessity. This, the respondent agrees, must not be doubtful; it must be

apparent, from the circumstances of the case, or it forms no justification. He submits all his acts, therefore, to be tested by this rule.

“To the forcible reasons which he has detailed, as impelling him to this measure, he ought to add, that he has since, by the confession of the enemy himself, received a confirmation of the opinions, which he had then good reason to believe; that there were men among us so depraved as to give daily and exact information of our movements, and our forces; that the number of those persons was considerable, and their activity unceasing. The names of those wretches will probably be discovered; and the respondent persuades himself, that this tribunal will employ itself, with greater satisfaction, in inflicting the punishment due to their crimes, than it now does in investigating the measures that were taken to counteract them.

“If example can justify, or the practice of others serve as a proof of necessity, the respondent has ample materials for his defence: not from analogous construction, but from the conduct of all the different departments of the state government, in the very case now under discussion.

“The legislature of the state, having no constitutional power to regulate or restrain commerce, on the —— day of December last, passed an act laying an embargo: the executive sanctioned it; and from a conviction of its necessity, it was acquiesced in. The same legislature shut up the courts of justice for four months, to all civil suitors—the same executive sanctioned that law, and the judiciary not only acquiesced, but solemnly approved it.

“The Governor, as appears by one of the letters quoted, undertook to inflict the punishment of exile upon an inhabitant, without any form of law, merely because he thought that an individual's presence might be dangerous to the public safety.

“The judge of this very court, duly impressed with the emergency of the moment, and the necessity of employing every means of defence, consented to the discharge of men committed and indicted for capital crimes, without bail, and without recognisance; and probably under an impres-

sion that the exercise of his functions would be useless, absented himself from the place where his court was to be holden, and postponed its session during a regular term.

“ Thus the conduct of the legislative, executive, and judiciary branches of the government of this state, have borne the fullest testimony of the existence of the necessity on which the respondent relies.

“ The unqualified approbation of the legislature of the United States, and such of the individual states as were in session, ought also to be admitted, as no slight means of defence ; inasmuch as all these respectable bodies were fully apprized of his proclamation of martial law, and some of them seem to refer to it, by thanking him for the energy of his measures.

“ The respondent, therefore, believes he has established the necessity of proclaiming martial law. He has shown the effects of that declaration ; and it only remains to prove, in answer to the rule, that the power assumed from necessity, was not abused in its exercise, nor improperly protracted in its duration.

“ All the acts mentioned in the rule, took place after the enemy had retired from the position they had at first assumed, after they had met with a signal defeat, and after an unofficial account had been received of the signature of a treaty of peace. Each of these circumstances might be, to one who did not see the whole ground, a sufficient reason for supposing that farther acts of energy and vigour were unnecessary. On the mind of the respondent they had a different effect. The enemy had retired from their position, it is true ; but they were still on the coast, and within a few hours sail of the city. They had been defeated, and with a loss ; but the loss was to be repaired by expected reinforcements. Their numbers still much more than quadrupled all the regular forces which the respondent could command ; and the term of service of his most efficient militia force was about to expire. Defeat, to a powerful and active enemy, was more likely to operate as an incentive to renewed and increased exertion, than to inspire them with desponuency, or to paralyze their efforts. A treaty, it is true, had been probably signed ; yet it might

not be ratified. Its contents had not transpired, and no reasonable conjecture could be formed, that it would be acceptable. The influence which the account of its signature had on the army, was deleterious in the extreme, and showed a necessity for increased energy, instead of a relaxation of discipline. Men, who had shown themselves zealous in the preceding part of the campaign, now became lukewarm in the service. Those whom no danger could appal, and no labour discourage, complained of the hardships of the camp. When the enemy were no longer immediately before them, they thought themselves oppressed, by being detained in service. Wicked and weak men, who, from their situation in life, ought to have furnished a better example, secretly encouraged this spirit of insubordination. They affected to pity the hardships of those who were kept in the field; they fomented discontent, by insinuating that the merits of those to whom they addressed themselves, had not been sufficiently noticed or applauded; and to so high a degree had the disorder at length risen, that at one period, only fifteen men and one officer, out of a whole regiment, stationed to guard the very avenue through which the enemy had penetrated into the country, were found at their post. At another point equally important, a whole corps, on which the greatest reliance had been placed, operated upon by the acts of a foreign agent, suddenly deserted their post.

“If, trusting to an uncertain peace, the respondent had revoked his proclamation, or ceased to act under it, the fatal security, by which we were lulled, might have destroyed all discipline, have dissolved all his force, and left him without any means of defending the country against an enemy, instructed, by the traitors within our own bosom, of the time and place at which he might safely make his attack. In such an event, his life might have been offered up, yet it would have been but a feeble expiation, for the disgrace and misery into which, by his criminal negligence, he had permitted the country to be plunged.

“He thought peace a probable, but by no means a certain event. If it had really taken place, a few days must bring the official advice of it; and he believed it better to

submit, during those few days, to the salutary restraints imposed, than to put every thing dear to ourselves and country at risk, upon an uncertain contingency. Admit the chances to have been a hundred or a thousand to one in favour of the ratification, and against any renewed attempts of the enemy, what should we say or think of the prudence of the man, who would stake his life, his fortune, his country, and his honour, even with such odds in his favour, against a few days' anticipated enjoyment of the blessings of peace? The respondent could not bring himself to play so deep a hazard; uninfluenced by the clamours of the ignorant and designing, he continued the exercise of that law which necessity had compelled him to proclaim; and he still thinks himself justified, by the situation of affairs, for the course which he adopted and pursued. Has he exercised this power wantonly or improperly? If so, he is liable; not, as he believes, to this honourable court for contempt, but to his government for an abuse of power, and to those individuals whom he has injured, in damages proportioned to that injury.

“About the period last described, the consul of France, who appears, by Governor Claiborne's letter, to have embarrassed the first drafts, by his claims in favour of pretended subjects of his king, renewed his interference; his certificates were given to men in the ranks of the army; to some who had never applied, and to others who wished to use them as the means of obtaining an inglorious exemption from danger and fatigue. The immunity derived from these certificates not only thinned the ranks, by the withdrawal of those to whom they were given, but produced the desertion of others, who thought themselves equally entitled to the privilege; and to this cause must be traced the abandonment of the important post of Chef Menteur, and the temporary refusal of a relief ordered to occupy it.

“Under these circumstances, to remove the force of an example which had already occasioned such dangerous consequences, and to punish those who were so unwilling to defend what they were so ready to enjoy, the respondent issued a general order, directing those French subjects who

had availed themselves of the consul's certificates, to remove out of the lines of defence, and far enough to avoid any temptation of intercourse with our enemy, whom they were so scrupulous of opposing. This measure was resorted to, as the mildest mode of proceeding against a dangerous and increasing evil; and the respondent had the less scruple of his power, in this instance, as it was not quite so strong as that which Governor Claiborne had exercised, before the invasion, by the advice of his attorney-general, in the case of Colonel Coliel.

"It created, however, some sensation—discontents were again fomented, from the source that had first produced them. Aliens and strangers became the most violent advocates of constitutional rights, and native Americans were taught the value of their privileges, by those who formerly disavowed any title to their enjoyment. The order was particularly opposed, in an anonymous publication. In this, the author deliberately and wickedly misrepresented the order, as subjecting to removal, all Frenchmen whatever, even those who had gloriously fought in defence of the country: and after many dangerous and unwarrantable declarations, he closes, by calling upon all Frenchmen to flock to the standard of their consul—thus advising and producing an act of mutiny and insubordination, and publishing the evidence of our weakness and discord to the enemy, who were still in our vicinity, anxious, no doubt, before the cessation of hostilities, to wipe away the late stain upon their arms. To have silently looked on such an offence, without making any attempt to punish it, would have been formal surrender of all discipline, all order, all personal dignity, and public safety. This could not be done; and the respondent immediately ordered the arrest of the offender. A writ of habeas corpus was directed to issue for his enlargement. The very case which had been foreseen, the very contingency on which martial law was intended to operate, had now occurred: the civil magistrate seemed to think it his duty to enforce the enjoyment of civil rights, although the consequences which have been described would probably have resulted. An unbending sense of what he seemed to think his stat^{cs}

required, induced him to order the liberation of the prisoner. This, under the respondent's sense of duty, produced a conflict which it was his wish to avoid.

"No other course remained, than to enforce the principles which he had laid down as his guide, and to suspend the exercise of this judicial power, wherever it interfered with the necessary means of defence. The only way effectually to do this, was to place the judge in a situation in which his interference could not counteract the measures of defence, or give countenance to the mutinous disposition that had shown itself in so alarming a degree. Merely to have disregarded the writ, would but have increased the evil; and to have obeyed it, was wholly repugnant to the respondent's ideas of the public safety, and to his own sense of duty. The judge was therefore confined, and removed beyond the lines of defence.

"As to the paper mentioned in the rule, which the respondent is charged with taking and detaining, he answers, that when the writ was produced by the clerk of this honourable court, the date of its issuance appeared to have been altered from the 5th to the 6th. He was questioned respecting the apparent alteration, and acknowledged it had been done by Judge Hall, and not in the presence of the party who made the affidavit. This material alteration, in a paper that concerned him, gave the respondent, as he thought, a right to detain it for farther investigation, which he accordingly did; but gave a certified copy, and an acknowledgment that the original was in his possession.

"The respondent avows, that he considered this alteration in the date of the affidavit, as it was then explained to him by the clerk, to be such evidence of a personal, not judicial, interference and activity in behalf of a man charged with the most serious offence, as justified the idea then formed, that the judge approved his conduct, and supported his attempts to excite disaffection among the troops.

"This was the conduct of the respondent, and these the motives which prompted it. They have been fairly and openly exposed to this tribunal, and to the world, and would not have been accompanied by any exception or waiver of jurisdiction, if it had been deemed expedient to

give him that species of trial, to which he thinks himself entitled, by the constitution of his country. The powers which the exigency of the times forced him to assume, have been exercised exclusively for the public good; and by the blessing of God, they have been attended with unparalleled success. They have saved the country; and whatever may be the opinion of that country, or the decrees of its courts, in relation to the means he has used, he can never regret that he employed them."

The court continued in session daily, when on the last day General Jackson walked into the court-house with admirable composure, and exemplary respect for the high authority which called him thither. He approached the judge with a paper in his hand, having dispensed with the friendly offices of the professional gentlemen, who had managed his case before. The Judge informed the General that there were interrogatories to be pronounced to him, to which he was desired to respond: the General replied that he would not answer them, saying, "Sir, my defence in this accusation has been offered, and you have denied its admission; you have refused me an opportunity of explaining my motives, and the necessity for the adoption of the martial law in repelling an invading foe," pointing out at the same moment his objections to that mode of proceeding under which the inquiry was had, to know whether the attachment should issue. "I was then with these brave fellows in arms," (alluding to the surrounding crowd.) "You were not, Sir." The Judge went on to read his opinion. The General interrupted him with much apparent deliberation, saying, "Sir, state facts, and confine yourself to them. Since my defence is, and has been precluded, let not censure constitute a part of this sought-for punishment." To which the Judge replied—"It is with delicacy, General, that I speak of your name or character—I consider you the saviour of the country; but for your contempt of authority, or that effect, you will pay a fine of one thousand dollars." Here the General interrupted by filling the check for that sum, on the bank, and presenting it to the marshal, which was received in discharge. The General then

retired, observing, on his passage to the door, "it will be my turn next."

At the door he was received amid the acclamations of the populace, with which the streets and avenues were filled. A coach waited at the door of the court-house, into which he was carried and seated, the shafts and handles of which were eagerly seized by the people. In this way he was precipitated through the streets to the French coffee-house, amid the shouts of *vive le General Jackson*, and denouncing his prosecutors; thence to the American coffee-house, where the General addressed the crowd as follows:

"*Fellow Citizens and Soldiers*—Behold your General, under whom, but a few days ago, you occupied the tented field, braving all the privations and dangers in repelling and defeating your country's exterior enemies, under the rules and discipline of the camp, so indispensable to the hope of victory; rules which were predicated on necessity, and which met the approbation of every patriot. Behold him now, bending under a specious pretext of redressing your country's civil authority, which, though wrought through prejudice, he scorns to deny or oppose, but cheerfully submits to what is inflicted on him, now that the difficulties under which we groaned are removed, and the discipline of the camp summons you no more to arms. It is the highest duty and pride of all good men to pay their tribute of respect to the guardian of our civil liberties. Remember this last charge, as in a few days I expect to leave you: it may serve as a lesson to yourselves and posterity."

Mr. Davezac gave the substance of the preceding remarks from the General in French; after which the General was conducted to the coach, and drawn to his quarters in Fauxbourg Marigny, followed by the multitude, echoing, *Vive le General Jackson*.

The fine was afterwards paid by a voluntary subscription of one dollar each, by one thousand citizens.

Numerous addresses were presented to the General, approving, in grateful language, his military conduct; and congress passed resolutions offering him thanks for his gallant conduct.

Peace being declared, the militia were discharged, and the General, relieved from his command by General Gaines, returned to Nashville.

On the reduction of the army to a peace establishment, he was retained in the service. In the summer of 1817, he was appointed a commissioner to treat with the Creek Indians for the purchase of some land; after effecting which, he returned to Nashville with his suite.

In April, 1818, General Jackson had taken possession of St. Marks, a very important post in Florida. It is situated far in the interior of that province, on the river St. Marks—had long been the theatre of the most nefarious designs, and the starting point from which marauders, depredators, and murderers, had taken their departure—certain of being welcomed home, when plunder and scalps were brought with them. From this place, General Jackson directed his operations against the yet unsubdued Seminoles. An important town of theirs, by the name of Suwanny, thirty miles distant, was taken by a detachment of the army. The savages dispersed or surrendered, in every part of the country, and the war of *defence* against the Seminoles, was suddenly brought to a close.

By hoisting a British flag on the fort, many hostile Indians entered the watercraft in the river, and were captured. Among them, were a ferocious chief, and the Prophet Francis, whose murders, committed and instigated, cannot all be mentioned. They suffered the reward of their diabolical wickedness on the gallows. The rest of the savages were discharged. Francis had recently visited England; and had a General's commission in the British army.

At the same place were taken the two British subjects, ARBUTHNOT and AMBRISTER. The most conclusive evidence was furnished General Jackson, that these men were, and for a long time had been, in open hostility against the Republic; that they had furnished the Seminoles and negroes, with every species of deadly weapons, the better to enable them to carry on war against the Americans; that they had stimulated them to the commission of many of the murders that had been perpetrated by them, on the

defenceless citizens on the frontiers ; and that they had rendered themselves subject to the most rigorous execution of vengeance, as violators of the acknowledged principles of the law of nations.

General Jackson gave them an opportunity to evince their innocence. A general court martial was detailed, of thirteen members. The President of this court was Major General Edmund P. Gaines, one of the most distinguished and accomplished officers in the American, or any other service. The members consisted of officers of high reputation in the regular army, and in the corps of volunteers. Every indulgence, consistent with the dignity of the proceeding, was extended to the arrested men ; and every opportunity afforded them to make a full defence. After the most solemn deliberation, the court found them guilty of the articles and specifications exhibited, and ordered them to suffer death. General Jackson approved the sentence ; and Arbuthnot and Ambrister atoned with their lives, so far as two guilty lives could atone, for the murder of many innocent and worthy men, many lovely and helpless women ; many weeping and beseeching children.

The condemnation of these men has been the cause of much censure on General Jackson. If censure was deserved, the court, and not the General, ought to suffer it ; with the exception, that after reconsidering the vote, the court reversed its former decision in the case of R. C. Ambrister, to which General Jackson paid no attention. In this instance, he certainly took on himself a responsibility, which might as well have been assumed *without the formality of detailing a court.*

The following is a list of names of the members of the court martial detailed for this purpose :

Major General E. P. Gaines, President.

Col. King,	Maj. Montgomery,
Col. Williams,	Maj. Fanning,
Col. Dyer,	Major Minton,
Lt. Col. Lindsay,	Capt. Vashon,
Lt. Col. Elliot,	Capt. Crittenden,
Lt. Col. Gibson,	Lt. J. M. Glassel.
Maj. Muhlenberg,	

The court commenced its session on the 26th of April, and on the 28th, Capt. Allison, of the 7th infantry, was added as a supernumerary.

Arbuthnot was first put on trial. The charges against him were three, which will be found in the last general order, of April 29th.

To support these charges, a variety of letters, papers, memoranda, and witnesses, were produced, leaving no rational doubt of the correctness of the charges.

The following extracts are from a letter produced on the trial of Arbuthnot, to which are attached the letter to King Hatchy, with a reply. The note of "Indian Talks," was identified as Arbuthnot's hand-writing.

From A. Arbuthnot, to his son, John Arbuthnot, dated Fort St. Marks, 2d of April, 1818, 9 o'clock in the morning.

DEAR JOHN,

"As I am ill able to write a long letter, it is necessary to be brief. Before my arrival here, the commandant had received an express from the governor of Pensacola, informing him of a large embarkation of troops, under the immediate command of General Jackson; and the boat that brought the despatch reckoned eighteen sail of vessels off Appalachicola. By a deserter that was brought here by the Indians, the commandant was informed that three thousand men, under the orders of General Jackson, one thousand foot, and one thousand six hundred horse, under General Gaines, five hundred under another general, were at Prospect Bluff, where they are rebuilding the burnt fort; that one thousand Indians, of different nations, were at Spanish Bluff, building another fort, under the direction of American officers; that so soon as these forts were built, they intended to march. They have commenced. Yesterday morning advice was received that they had appeared near —, and taken two of the sons of M'Queen, and an Indian. Late in the afternoon, three schooners came to anchor at the mouth of the river, and this morning the American flag is seen flying on the largest."

"The main drift of the Americans is to destroy the

black population of Suwanny. Tell my friend Boleck, that it is throwing away his people, to attempt to resist such a powerful force as will be drawn on Suwanny ; and as the troops advance by land, so will the vessels by sea."

"So soon as the Suwanny is destroyed, I expect the Americans will be satisfied, and retire : this is only my opinion, but I think it is conformable to the demand made by General Gaines to King Hatchy, some months since."

From General Gaines to the Seminoly chief.

To the Seminoly chief: Your Seminolys are very bad people : I don't say whom. You have murdered many of my people, and stolen my cattle, and many good horses, that cost me money : and many good houses, that cost me money, you have burnt for me ; and now that you see my writing, you'll think I have spoken right. I know it is so ; you know it is so ; for now you may say, I will go upon you at random ; but just give me the murderers, and I will show them my law, and when that is finished and past, if you will come about any of my people, you will see your friends, and if you see me you will see your friend. But there is something out in the sea ; a bird with a forked tongue : whip him back before he lands, for he will be the ruin of you yet. Perhaps you do not know who or what I mean—I mean the name of Englishmen.

I tell you this, that if you do not give me up the murderers who have murdered my people, I say I have got good strong warriors, with scalping knives and tomahawks. You harbour a great many of my black people among you, at Suwanny. If you give me leave to go by you against them, I shall not hurt any thing belonging to you.

(Signed,)

General GAINES.

From King Hatchy to General Gaines, in answer to the foregoing.

To General Gaines: You charge me with killing your people, stealing your cattle, and burning your houses. It is I that have cause to complain of the Americans. While one American has been justly killed, while in the act of

stealing cattle, more than four Indians have been murdered while hunting, by these lawless freebooters. I harbour no negroes. When the Englishmen were at war with America, some took shelter among them, and it is for you white people to settle these things among yourselves, and not trouble us with what we know nothing about. I shall use force to stop any armed Americans from passing my towns or my lands.

(Signed,) King HATCHY.

“Note of Indian Talks.”

In August, Capp had a letter from General Gaines, in substance as annexed, No. 1, and returned the answer as by No. 2. Nothing farther was said on either side. The end of October, a party of Americans, from a fort on Flint river, surrounded Fowl Town during the night, and began burning it. The Indians then in it, fled to the swamps, and in their flight had three persons killed by fire from the Americans: they rallied their people, and forced the Americans to retire some distance, but not before they had two more persons killed. The Americans built a block-house or fort, where they had fallen back to, and immediately sent to the fort up the country for assistance, stating the Indians were the aggressors; and also settled with Tohemock for the loss his people had suffered, at the same time sending a talk to king Hatchy, by a head man, (Aping,) that he would put things in such a train as to prevent farther encroachments, and get those Americans to leave the fort. But no sooner was the good talk given, and before the bearer of it returned home, than hundreds of Americans came pouring down on the Indians; roused them to a sense of their own danger: they flew to arms, and have been compelled to support them ever since. It is not alone from the country, but by vessels entering Appalachicola river, with troops, that settlers are pouring into the Indian territory; and, if permitted to continue, will soon overrun the whole of the Indian lands. From the talk sent King Hatchy, by Governor Mitchell, I am in hopes that those aggressions of the Americans on the Indian territory are not countenanced

by the American government, but originate with men devoid of principle, who set laws and instructions at defiance, and stick at no cruelty and oppressions to obtain their ends. Against such oppressions the American government must use not only all their influence, but, if necessary, force, or their names will be handed down to posterity as a nation more cruel and savage to the unfortunate Aborigines of this country, than ever were the Spaniards, in more dark ages, to the nations of South America.

The English government, as the special protectors of the Indian nations, and on whom alone they rely for assistance, ought to step forward and save those unfortunate people from ruin; and as you, sir, are appointed to watch over their interests, it is my duty, as an Englishman, and the only one in this part of the Indian nation, to instruct you of the talks the chiefs bring me for your information; and I sincerely trust, sir, you will use the powers you are vested with, for the service and protection of those unfortunate people, who look up to you as their saviour. I have written to General Mitchell, who, I hear, is an excellent man; and, as he acts as Indian agent, I hope his influence will stop the torrent of innovations, and give peace and quietness to the Creek nation.

After closing the trial of A. Arbuthnot, the court proceeded to that of Robert C. Ambrister, a British subject, who, being asked if he had any objections to any one of the members of the court, and replying in the negative, was arraigned on the following charges.

Charges against Robert C. Ambrister, now in custody.

Charge 1st. Aiding, abetting, and comforting the enemy, supplying them with the means of war, he being a subject of Great Britain, at peace with the United States, and lately an officer in the British colonial marines.

Charge 2d. Leading and commanding the Lower Creeks, in carrying on a war against the United States.

To which charges he pleaded as follows, viz.:

To the first charge—*Not Guilty.*

To the second charge—*Guilty, and justification.*

John Lewis Phenix, a witness on the part of the prosecution, being duly sworn, stated, that about the 5th or 6th of April, 1818, his vessel and himself having been captured by the prisoner, and he brought to Suwanny as a prisoner, there was an alarm among the negroes and Indians, created by learning some news from Mickasuky, at which time the prisoner appeared active in sending orders, and sending a detachment to meet the American army. The witness also stated, that the prisoner appeared to be a person vested with authority among the negro leaders, and gave orders for their preparation for war, and providing ammunition. And that the leaders came to him for *orders*. The prisoner furnished them with powder and lead, and recommended to them the making of ball very quickly. The witness also stated that the prisoner occasionally dressed in uniform, with his sword; and that, on the first alarm, which he understood was from Mickasuky, by a negro woman, he put on the uniform.

The witness farther stated, that some time about the 20th of March, 1818, the prisoner, with an armed body of negroes, twenty-four in number, came on board his vessel, and ordered him to pilot them to Fort St. Marks, which, he stated, he intended to capture before the Americans could get there—threatening to hang the witness if he did not obey.

John I. Arbuthnot, a witness on the part of the prosecution, being duly sworn, stated, that some time about the 23d of March, the prisoner came with a body of negroes, partly armed, to his father's store on Suwanny river, and told the witness he had come to do justice to the country, by taking the goods and distributing them among the negroes and Indians—which the witness saw the prisoner do: and that the prisoner stated to him, that he had come to the country on Woodbine's business, to see the negroes righted. The witness has farther known the prisoner to give orders to the negroes, and that, at his suggestion, a party was sent from Suwanny to meet the Americans, to give them battle—which party returned on meeting the Mickasuky Indians in their flight.

Peter B. Cook, a witness on the part of the prosecution,

being duly sworn, stated, that he never heard the prisoner give any orders to negroes or Indians; that the prisoner distributed Arbuthnot's goods, and also paint, to the negroes and Indians.

Also, that some powder was brought from the vessel to Suwanny, by the prisoner, and distributed among the negroes by Nero. Some time in March, the prisoner took Arbuthnot's schooner, and with an armed party of negroes, twenty-four in number, set out for fort St. Marks, for the purpose of taking Arbuthnot's goods at that place, and stated that he would compel the commandant to deliver them up. On hearing of the approach of the American army, the prisoner told the negroes it was useless to run; for if they ran any farther, they would be driven into the sea.

Jacob Harrison, a witness on the part of the prosecution, being duly sworn, stated, that some time in the latter end of March, or first of April, the prisoner took possession of the schooner Chance, with an armed party of negroes, and stated his intentions of taking St. Marks. On his way thither, going ashore, he learned from some Indians that Arbuthnot had gone to St. Marks, which induced him to return. The witness also stated, that, while the prisoner was on board, he had complete command of the negroes, who considered him as their captain. The prisoner took the cargo of the vessel up towards Suwanny, which consisted, with other articles, of nine kegs of powder, and five hundred pounds of lead.

The evidence on both sides being closed, the prisoner was allowed until five o'clock this evening to make his defence.

The time allowed the prisoner for the preparation of his defence, having expired, he was brought before the court, and made the defence which is attached to these proceedings.

The court was then cleared, and the proceedings were read over by the recorder, when, after due deliberation on the testimony brought forward, the court find the prisoner, Robert C. Ambrister, guilty of so much of the specification to the first charge, as follows, viz: "and did excite them to war with the United States; by sending their warriors

to meet and fight the American army, he being a subject of Great Britain, which government was at peace and friendship with the United States, and all her citizens; but not guilty of the other part of the specification; guilty of the first charge; guilty of the specification of the second charge, and guilty of the second charge; and do, therefore, sentence the prisoner, Robert C. Ambrister, to suffer *death*, by being *shot*, two thirds of the court concurring therein.

One of the members of the court requesting a reconsideration of his vote on the sentence, the sense of the court was taken thereon, and decided in the affirmative, when the vote was again taken, and the court sentence the prisoner to receive fifty stripes on his bare back, and be confined with a ball and chain to hard labour, for twelve calendar months.

The court adjourned, *sine die*.

EDMUND P. GAINES,

Major-General by brevet, President of the Court.

J. M. GLASSELL, Recorder.

DEFENCE.

Fort St. Marks, April 28th, 1818.

The United States of America, }

vs.

Robert Christy Ambrister, }

Who, being arraigned before a special court martial, upon the following charges, to wit:

1. Aiding, abetting, and comforting [the Indians;] supplying them with the means of war, he being a subject of Great Britain, at peace with the United States, and lately an officer in the British colonial marines.

Charge 2d. Leading and commanding the Lower Creek Indians, in carrying on war against the United States.

To the first charge the prisoner at the bar pleads not guilty, and, as to the second charge, he pleads guilty, and justification. The prisoner at the bar feels grateful to this honourable court, for their goodness in giving him a sufficient time to deliberate and arrange his defence on the above charges.

The prisoner at the bar here avails himself of the opportunity of stating to this court, that inasmuch as the testimony which was introduced in this case, was very explicit, and went to every point the prisoner could wish, he has nothing farther to offer in his defence, but puts himself on the mercy of the honourable court.

ROBERT C. AMBRISTER.

HEAD-QUARTERS, DIVISION OF THE SOUTH.

*Adjutant-General's Office, Camp four miles
north of St. Marks, April 29th, 1818.*

GENERAL ORDER.

At a special court martial, commenced on the 26th instant at St. Marks, and continued until the night of the 28th, of which brevet Major-General E. P. Gaines is President, was tried A. Arbuthnot, on the following charges and specifications, viz :

Charge 1st. Exciting and stirring up the Creek Indians to war against the United States and her citizens, he, A. Arbuthnot, being a subject of Great Britain, with whom the United States are at peace.

Charge 2d. Acting as a spy ; aiding, abetting, and comforting the enemy, and supplying them with the means of war.

Charge 3d. Exciting the Indians to murder and destroy William Hambly and Edmund Doyle, confiscate their property, and causing their arrest, with a view to their condemnation to death, and the seizure of their property, they being citizens of Spain, on account of their active and zealous exertions to maintain peace between Spain, the United States, and the Indians.

To which charges the prisoner pleaded not guilty.

The court, after mature deliberation on the evidence adduced, find the prisoner, A. Arbuthnot, guilty of the first charge, and guilty of the second charge, leaving out the words "acting as a spy ;" and, after mature reflection, sentence him, A. Arbuthnot, to *be suspended by the neck, until he is dead.*

Was also tried, Robert C. Ambrister, on the following charges, viz. :

Charge 1st. Aiding, abetting, and comforting the enemy, and supplying them with the means of war, he being a subject of Great Britain, who are at peace with the United States, and late an officer in the British colonial marines.

Charge 2d. Leading and commanding the lower Creek Indians in carrying on a war against the United States.

To which charges the prisoner pleaded as follows: to the first charge, not guilty; to the second charge, guilty, and justification.

The court, on examination of evidence, and on mature deliberation, find the prisoner, Robert C. Ambrister, guilty of the first and second charges; and do, therefore, sentence him to suffer *death*, by being *shot*. The members requesting a reconsideration of the vote on this sentence, and it being had, they sentence the prisoner to receive fifty stripes on his bare back, and be confined with a ball and chain, to hard labour, for twelve calendar months.

The Commanding General approves the finding and sentence of the court in the case of A. Arbuthnot, and approves the finding and *first* sentence of the court in the case of Robert C. Ambrister, and disapproves the reconsideration of the sentence of the honourable court in this case.

It appears, from the evidence and pleading of the prisoner, that he did lead and command within the territory of Spain, (being a subject of Great Britain,) the Indians in war against the United States, those nations being at peace. It is an established principle of the laws of nations, that any individual of a nation making war against the citizens of any other nation, they being at peace, forfeits his allegiance, and becomes an outlaw and pirate. This is the case of Robert C. Ambrister, clearly shown by the evidence adduced.

The Commanding General orders that brevet Major A. C. W. Fanning, of the corps of artillery, will have, between the hours of eight and nine o'clock, A. M., A. Arbuthnot suspended by the neck with a rope, until he is *dead*, and Robert C. Ambrister to be shot to *death*, agreeable to the sentence of the court.

John James Arbuthnot will be furnished with a passage to Pensacola, by the first vessel.

The special court, of which brevet Major-General E. P. Gaines is President, is dissolved.

By order of Major-General Jackson.

ROBERT BUTLER, Adjutant-General.

After the close of the campaign against the Seminoles, the General left Florida for Nashville, and was received by the citizens with cordial respect. In 1821, the Floridas were ceded by Spain to the United States. On the 10th day of March, President Monroe, by virtue of an act of Congress, commissioned him as governor of East and West Florida. In August he proceeded to his place of destination, and commenced his duties. As might be expected, dissatisfaction was expressed by some, and more particularly by a portion of those who had been in office under the Spanish authorities. Libellous publications were issued, animadverting on certain judicial acts under the new regime, and documents were retained of importance to the rights of individuals, and the due administration of the laws. The persons thus offending were, as they ought to be, called to an account, and finally expelled from the provinces. These were not citizens, but Spanish officers, who were, by treaty, to evacuate the ceded territory. The banishment of these officers, caused much excitement in the United States. Mr. Adams, then Secretary of State, defended the General, from which able defence we quote the following:—

“The same persevering system of withholding documents, which it was their duty to deliver, has marked, I am deeply concerned to say, the conduct of both the commanders of East and West Florida, who were charged, respectively, to deliver those provinces to the United States. It is to this cause, and to this alone, as appears from a review of all the transactions of which you (the Spanish minister) have complained, that must be traced the origin of all those severe measures which General Jackson himself was the first, while deeming them indispensable to the discharge of his own official duties, to lament. Charged, as he was, with the trust of receiving the provinces in be-

half of the United States, of maintaining their rights of property within them, of guarding them to the utmost of his power from those frauds to which there was too much reason to apprehend they would be liable, and to which the retention of the documents gave so great and dangerous scope; intrusted, from the necessity of the case, during the interval of time, while the general laws of the United States remained unextended to the provinces, with the various powers which had, until that time, been exercised by the Spanish Governors, and which included the administration of justice between individuals; it was impossible that he should not feel the necessity of exercising, under circumstances thus exasperating and untoward, every authority committed to him by the supreme authority of his country, to preserve inviolate, so far as on him depended, the interests of that country, and the sacred obligations of individual right."

Fatigued with the cares of government, and desirous of repose, he soon resigned the government of these provinces, and returned to his home in Tennessee. But in May, 1822, the legislature of that state, nominated him as candidate for President of the United States. In the autumn of this year, he was elected to the senate of the national government. The second term of office was, with Mr. Monroe, drawing towards a close; or, more correctly to speak, party spirit was excited, and the question, Who shall be our next President? was early on the tapis. Of five candidates, General Jackson was evidently the most popular; but the choice devolving on the house of representatives, Mr. Adams was the successful candidate.

In October, 1825, seven months after Mr. Adams had been chosen President, the legislature of Tennessee again presented General Jackson before the American public, as candidate for the highest gift within their power to bestow. In consequence of this nomination, he resigned his seat as senator.

In the spring of 1827, the legislature of Louisiana resolved to invite the General to participate in the celebration of the 8th of January at New Orleans. He was duly notified of this resolution, and accepted the invitation.

The limits of these memoirs forbid a description of his reception, and the brilliant manner in which the day was celebrated. The editor will barely quote two addresses, and the replies made by the General. The first address was made by Mr. John R. Grymes, one of his aids during the invasion, and was as follows:—

“*General*—I have been deputed by the citizens of New Orleans, and your old companions in arms, to receive you on this spot, consecrated to the honour and glory of our country, and in their name to testify to you their feelings on the occasion, which has again brought us together.

“To do this, no language at my command is adequate. But you, Sir, will be able fully to appreciate them, when I declare our solemn conviction, that to your conduct on the memorable day, whose anniversary we celebrate, we are indebted for our homes, our liberties, our all. Accept then, Sir, every sentiment of gratitude, which a devoted and patriotic people can feel towards him who has preserved to them the inestimable blessings of our constitution, and the sacred institutions of our country, and our fervent prayer, that your deeds may meet with their just reward from the present generation, and that their remembrance may extend to our posterity.”

To which the General replied:—

“*Sir*—Thirteen years have revolved since, fellow citizens, and fellows in arms, we met on these plains. Our country was then shaken by the storms of war, and we repaired hither to resist its rudest shock. This lovely land, rich in its present aspect, and far richer in its future destinies—the pride of western commerce, and the key of western independence—was insulted by invasion, and threatened by conquest. An army, strong in renown, and powerful in numbers, haughty from success, and eager for spoil, came from amidst distant seas to pour its pride and fury upon Louisiana. This formidable foe we met; and though inferior in number and discipline, though not furnished with the regular means of defence, though hastily assembled from various states, we were determined to live or die free; we acted with concert, we fought with confidence, and we conquered. The justice of our cause

gave us courage, and the favour of heaven granted us victory, and requited our days of toil, and nights of watching, with the glory of giving deliverance to our country, and security to our fellow citizens. In common with them, we have since enjoyed the fruits of peace, and pursuing the various callings of life, have been dispersed over different regions. But though separated by time and space, the bond of fraternity cemented on this field has not been weakened—our countrymen hallowed it with their gratitude. With what pleasure do I embrace you again! in what language shall I express my emotions! This assemblage of my martial brothers, is a peculiar mark of the goodness of Divine Providence? Shall I not esteem this concourse of my fellow citizens, collected from different quarters of the Union, as evidence, that the nation accepts it as worthy of commemoration, and rejoices in bestowing its honour on those who shared its dangers? What greater good than this, within the sphere of human events, can fall to the lot of man? What higher incentive to the discharge of his duty as a citizen and a soldier? And what an inspiring theme does it afford to our supplication to that God, in the hollow of whose hand is the fate of man and the destiny of nations! Considerations prepared me to receive the cordial welcome with which I am honoured; and in behalf of the valiant men, to whose perseverance and undaunted spirit I owed my success, I receive it with pride and joy.

“I thank you, sir, for the kind assurance of the regard of my fellow citizens. My conduct in defending your city has been misunderstood by some, and misrepresented by others; but this day’s testimony in its favour repays me for injury and injustice; and it is far more valuable than any gratification, which the pride of power or the pomp of office can confer. Most of you were witnesses of the scenes in which I was engaged, and know the measures which I adopted to destroy the proud foe, and protect this fair city. From the part you acted, and the relations you sustained, you are competent to weigh the circumstances by which I was surrounded, and to estimate the motives by which I was governed. Your approbation, therefore,

gives me consolation, and satisfies me that the course which I pursued was required by the interest and honour of the country. In that perilous crisis I thought it my duty to obey, in favour of my country, the great law of necessity, the great principle of self-defence—to sacrifice the shadow for the substance, and to save the constitution by suspending, within the compass of sentinels, the impending action of certain legal forms. This step I took, neither without reflection, nor without advice, nor without example. And when I review it, my mind adheres to the judgment which I had formed. Your approbation, I repeat, confirms this opinion. It will, I believe, signalized as it is by this public solemnity, have a higher effect—It will exhibit to posterity a salutary example of patriotism and justice, and thus be instrumental in securing our country from future danger. Like the glory of that bright day which saw us rise into a national existence, it may blaze on the altars of liberty, and rekindle from age to age the sacred love of freedom for their country.

“I salute you, fellow citizens, and embrace you, my brothers in arms, and offer my prayers to heaven for your individual happiness, and for our country’s glory.”

Mr. Davezac, another of his former aids, addressed him thus :—

“*General*—I should be insensible indeed, if I could express the deep feelings which crowd on my mind, when, after viewing the surrounding scene, I cast my eyes on him whom I now address ; this ground, made holy by deeds of eternal renown ; this plain, where patriotism and valour triumphed over numbers and discipline. What nobler subjects can be offered to the meditation of philosophy ? What nobler theme can excite the genius of an orator ?

“But when to these are now superadded the shouts of an enthusiastic multitude, the roar of artillery, and the magnificent spectacle of so many floating palaces, displaying to the winds, as they glide along, the striped banner on which shines so brightly the auspicious stars, the happy emblems of new born republics ; I may be allowed to hope, that the inspiration of the scene, may supply the talent which ought to have been possessed by him, on

whom devolves the task of expressing the gratitude of his brother soldiers. It was a happy conception of the legislature of our country, to invite the conqueror of the 8th of January to the field of his glory; there to gladden his eyes by the spectacle of a nation's gratitude; to offer to his sight, after thirteen years had elapsed, crowned with the choicest gifts of nature, enriched by the tributes of commerce, of industry, and of the arts, Louisiana, whom he had beheld in the days of her mourning, in the hour of calamity.

"Prosperity does not harden the hearts of freemen, for it is in the midst of all the felicity which Providence can bestow on a favoured people, that Louisianians delight to look back to an epoch marked by dread portents and actual perils; and it is at the very moment when they feel most intensely their present happiness, that they recall the remembrance of the day when you appeared among them for the first time. You found them ready to pour out their heart's blood in defence of their country; but they had been waiting for a chief, for one firm of purpose, capable of breasting the approaching tempest. They were aware, that at such a crisis, unity of command was their only safety, and that you alone could collect the scattered reeds, bind them together, and give them, thus united, a force that would defy all hostile efforts. You called on the brave, wherever born, and you uttered the sacred words—Honour! Country! All hearts vibrated at the sound—what once was rivalry, became emulation—what had been envy was changed into a noble jealousy of fame. Various languages were spoken at these memorable times; but in every tongue the valiant vowed to conquer or to die. You had inspired all your warriors with your own presaging hopes.

"We have come this day to salute, at the very instant when he treads again this hallowed ground, the hero of this great anniversary. We come, too, like the Greeks of old, when they visited the field of Marathon, to honour the warriors whom fate forbade to join in the triumphs they purchased at the price of their lives. But why do I detain you so long, even on this field of your fame? While these veteran soldiers press the hand of their

chief, a whole city waits the return of the vessel which bears the guest of Louisiana. The legislature of our state have suspended their deliberations; the multitudes cover the banks of this great river, the temples are opened, the incense ascending to heaven, together with the blessings of a grateful people. Go, happy conqueror! Go, and hear the voice of mothers greeting the hero who brought back their sons. Go, and hear the cheerings of the wives and daughters, from whom you averted the insults of a lawless soldiery. Go, and meet the kind, the rapturous welcome of the new generations; the children born since 1815; the future men of Louisiana, await also the deliverer of their fathers."

To this the General thus replied:

"Sir—Your language and imagination attest the fervour of the clime you inhabit, and do justice to the generous people you represent. They do justice also to my brave associates, who enriched the field before us with glory, and filled it with recollections which so powerfully excite your enthusiasm, and are regarded with such liberal interest. While I rejoice with you in the prosperity of Louisiana, which smiles on the banks and floats on the current of its majestic river, I take pleasure in reflecting that it is the just reward of the valour and patriotism she displayed under a pressure of danger, which valour and patriotism alone could have supported.

"In this assembly I see many of her sons, whose swords opposed a rampart to the powerful foe, and whose lives were preserved in honour, because they were offered a sacrifice to glory. You, sir, are one of this chivalric band, and doubtless, when you witness this scene, you are filled with those emotions, which your fancy compares to the feelings of the soldiers of Miltiades, when they revisited the field of their victory. Here I rejoice to meet you, and to mingle my exultation with yours, in the prosperity and glory of our common country."

The unprecedented exertions of politicians for the office of chief magistrate in 1828, resulted in favour of General Jackson. The ceremony of inauguration took place in the Senate Chamber, on the fourth of March, 1829.

The inaugural address, though brief, was well conceived, and happily expressed. It takes a concise view of presidential duties, and the manner in which he intended to perform them. At the conclusion of this address, Chief Justice Marshall administered to him the oath of office. The address was as follows :

“Fellow-citizens : About to undertake the arduous duties that I have been appointed to perform, by the choice of a free people, I avail myself of this customary and solemn occasion, to express the gratitude which their confidence inspires, and to acknowledge the accountability which my situation enjoins. While the magnitude of their interests convinces me that no thanks can be adequate to the honour they have conferred, it admonishes me that the best return I can make, is the zealous dedication of my humble abilities to their service and their good.

“As the instrument of the federal constitution, it will devolve upon me, for a stated period, to execute the laws of the United States ; to superintend their foreign and confederate relations ; to manage their revenue ; to command their forces ; and, by communications to the legislature, to watch over and to promote their interests generally. And the principles of action by which I shall endeavour to accomplish this circle of duties, it is now proper for me briefly to explain.

“In administering the laws of Congress, I shall keep steadily in view the limitations as well as the extent of the executive power, trusting thereby to discharge the functions of my office, without transcending its authority. With foreign nations it will be my study to preserve peace, and to cultivate friendship on fair and honourable terms ; and, in the adjustment of any difference that may exist or arise, to exhibit the forbearance becoming a powerful nation, rather than the sensibility belonging to a gallant people.

“In such measures as I may be called on to pursue, in regard to the rights of the separate states, I hope to be animated by a proper respect for those sovereign members of our Union ; taking care not to confound the powers they have reserved to themselves, with those they have granted to the confederacy.

“The management of the public revenue—that searching operation in all governments—is among the most delicate and important trusts in ours; and it will, of course, demand no inconsiderable share of my official solieitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a strict and faithful economy. This I shall aim at the more anxiously, both because it will facilitate the extinguishment of the national debt—the unnecessary duration of which is incompatible with real independence—and because it will counteract that tendency to public and private profligacy, which a profuse expenditure of money by the government is but too apt to engender. Powerful auxiliaries to the attainment of this desirable end, are to be found in the regulations provided by the wisdom of congress for the specific appropriation of public money, and the prompt accountability of public officers.

“With regard to a proper selection of the subjects of impost, with a view to revenue; it would seem to me that the spirit of equity, caution, and compromise, in which the constitution was formed, requires that the great interests of agriculture, commerce, and manufactures, should be equally favoured; and that, perhaps, the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

“Internal improvement, and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the federal government, are of high importance.

“Considering standing armies as dangerous to free governments, in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience which teaches that the military should be held subordinate to the civil power. The gradual increase of our navy, whose flag has displayed, in distant climes, our skill in navigation, and our fame in arms; the preservation of our forts, arsenals, and dock-yards; and the introduction of progressive improvements in the discipline and science of both branches of our military service, are so plainly prescribed by prudence, that I

should be excused for omitting their mention, sooner than enlarging on their importance. But the bulwark of our defence is the national militia, which, in the present state of our intelligence and population, must render us invincible. As long as our government is administered for the good of the people, and is regulated by their will ; as long as it secures to us the rights of person and of property, liberty of conscience, and of the press, it will be worth defending ; and so long as it is worth defending, a patriotic militia will cover it with an impenetrable ægis. Partial injuries and occasional mortifications we may be subjected to ; but a million of armed freemen, possessed of the means of war, can never be conquered by a foreign foe. To any just system, therefore, calculated to strengthen this natural safeguard of the country, I shall cheerfully lend all the aid in my power.

“ It will be my sincere and constant desire to observe, towards the Indian tribes within our limits, a just and liberal policy ; and to give that humane and considerate attention to their rights and their wants, which are consistent with the habits of our government and the feelings of our people.

“ The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform ; which will require, particularly, the correction of those abuses that have brought the patronage of the federal government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed, or continued power, in unfaithful or incompetent hands.

“ In the performance of a task thus generally delineated, I shall endeavour to select men whose diligence and talents will ensure, in their respective stations, able and faithful co-operation—depending, for the advancement of the public service, more on the integrity and zeal of the public officers, than on their numbers.

“ A diffidence, perhaps too just, in my own qualifications, will teach me to look with reverence to the examples of public virtue left by my illustrious predecessors,

and with veneration to the lights that flow from the mind that founded, and the mind that reformed, our system. The same diffidence induces me to hope for instruction and aid from the co-ordinate branches of the government, and for the indulgence and support of my fellow-citizens generally. And a firm reliance on the goodness of that Power whose providence mercifully protected our national infancy, and has since upheld our liberties in various vicissitudes, encourages me to offer up my ardent supplications that he will continue to make our beloved country the object of his divine care and gracious benediction."

His cabinet was organized by the appointment of Martin Van Buren, of New York, Secretary of State; Samuel D. Ingham, of Pennsylvania, Secretary of the Treasury; John H. Eaton, of Tennessee, Secretary of War; John Branch, of North Carolina, Secretary of the Navy; and John M. Berrien, of Georgia, Attorney General.

Some of the first, and most objectionable acts of his administration, consisted in removals from office of those who were the subjects of presidential influence. If, as is probable, some of the removals were for good causes, no rational being would accuse him of prostrating the dignity of his high office by these displacements. The apology chiefly made for this step, has been that men had grown gray in office, and that their families had received a support from the public purse. Another apology offered, was, that the people were determined to know how their affairs had been managed during twenty-eight preceding years. Neither these apologies, nor the principle of rotation in office, exhibit a reason for the vast number of removals at the commencement of this administration. All those removals were not, nor could they be, justified by these apologies for reasoning.—If, indeed, responsible offices were held by undeserving incumbents—if no measures but expulsion from office could probe their conduct, or expose their malpractices—then was removal fully justified. That this was the fact, the editor trusts no sane man will answer affirmatively.

The writer of this will not be the first to contend, that in no case ought an executive officer to exercise the power

of removal without a charge of dereliction of duty; but he does contend, that faithful public officers should not thus be suddenly dismissed without the prospect of some other public benefit than the mere plea of rotation, or a long term of service.

But the most obnoxious feature in the vast majority of these removals, occurred in the post-office department. It is notorious, and susceptible of proof, that post-offices suffered the loss of their keepers for no other reason than that they had been kept by those who were unfriendly to the election of General Jackson. Nor is it less obvious, that the partisans of the new administration were their successors. The index which points out this fact, is the number of editors and printers who supported his election, and who not only looked for the office in consequence of their services, but were actually chosen to fill the vacancies thus made. Many facts could be adduced, exhibiting the spirit of proscription which was felt in this department, but the subject is unpleasant, and nothing but a determination to distribute exact justice has induced me to mention it.

The veto of the president on the bill for authorizing a subscription to the stock of the Maysville and Washington Turnpike Road Company, in Kentucky, caused considerable excitement. The following is an extract from the view which was taken of this subject by Mr. P. P. Barbour:—

——“What has the President done which calls forth this loud complaint? Why, forsooth, he has dared to put his veto on a bill passed by both houses of congress, and has returned it with his objections. And has it come to this, that it is cause of complaint, that the chief executive magistrate, constituting, as he does, a co-ordinate branch of the legislature, has ventured to perform his constitutional function, in dissenting from a law, which, in his judgment, would be ruinous in its consequences? Was it in the contemplation of those who framed the constitution, that the President should be set up as a mere pageant, with powers possessed in theory, but never to be reduced to practice—or was it intended that this veto on legislation, like every other power, should be exercised, whenever 10

occasion should occur to make it necessary? Do not gentlemen perceive that they might, with as much reason, complain that the senate had negatived one of our bills? for they, too, are only a co-ordinate branch of the legislature, as is the executive magistrate.

* * * * *

“The constitution proceeds on the idea, that congress, composed of the senate and house of representatives, is not infallible. It has therefore erected the barrier of the executive veto, against hasty or injudicious action. It contemplates that veto as countervailing the opinion of one third of both houses, because its interposition makes the concurrence of two thirds of both houses necessary. To complain, then, of its exercise, is to quarrel with the form of government under which we live. It is precisely the reverse of a complaint which we have often heard of in a European monarchy. There the king complained whenever the parliament refused to register his edicts. Here the congress is to complain whenever the President refuses to register its will.”

Mr. Barbour, in the speech from which the preceding arguments are selected, ably sustained the Presidential veto, and proved himself a capable and honest politician. That improper motives may induce the chief magistrate to impose the weight of his veto on bills which ought to pass; and that he may sometimes err in judgment, even with the best designs, is too obvious to require an argument; but these are evils to which we must as certainly submit, as we surely know, that injurious bills have become law, with the consent of each of the co-ordinate branches of a legislature. Time and experience are the only tests of utility.

His message to congress, in 1830, a copy of which follows, was generally well received.

“Fellow-citizens of the senate and of the house of representatives:—

“It affords me pleasure to tender my friendly greetings to you on the occasion of your assembling at the seat of government, to enter upon the important duties to which you have been called by the voice of our countrymen.

The task devolves on me, under a provision of the constitution, to present to you, as the federal legislature of twenty-four sovereign states, and twelve millions of happy people, a view of our affairs; and to propose such measures as, in the discharge of my official functions, have suggested themselves as necessary to promote the objects of our union.

“In communicating with you for the first time, it is, to me, a source of unfeigned satisfaction, calling for mutual gratulation and devout thanks to a benign Providence, that we are at peace with all mankind; and that our country exhibits the most cheering evidence of general welfare and progressive improvement. Turning our eyes to other nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in knowledge, in freedom, and in social happiness.

“Our foreign relations, although in their general character pacific and friendly, present subjects of difference between us and other powers of deep interest, as well to the country at large as to many of our citizens. To effect an adjustment of these shall continue to be the object of my earnest endeavours; and notwithstanding the difficulties of the task, I do not allow myself to apprehend unfavourable results. Blessed as our country is, with every thing which constitutes national strength, she is fully adequate to the maintenance of all her interests. In discharging the responsible trust confided to the executive in this respect, it is my settled purpose to ask nothing that is not clearly right, and to submit to nothing that is wrong; and I flatter myself, that, supported by the other branches of the government, and by the intelligence and patriotism of the people, we shall be able, under the protection of Providence, to cause all our just rights to be respected.

“Of the unsettled matters between the United States and other powers, the most prominent are those which have, for years, been the subject of negotiation with England, France, and Spain. The late periods at which our ministers to those governments left the United States, ren-

der it impossible, at this early day, to inform you of what has been done on the subjects with which they have been respectively charged. Relying upon the justice of our views in relation to the points committed to negotiation, and the reciprocal good feeling which characterizes our intercourse with those nations, we have the best reason to hope for a satisfactory adjustment of existing differences.

“ With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honourable, and elevated competition. Every thing in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to preserve the most cordial relations: such are my own views, and it is not to be doubted that such are also the prevailing sentiments of our constituents. Although neither time nor opportunity has been afforded for a full development of the policy which the present cabinet of Great Britain designs to pursue towards this country, I indulge the hope that it will be of a just and pacific character; and if this anticipation be realized, we may look with confidence to a speedy and acceptable adjustment of our affairs.

“ Under the convention for regulating the reference to arbitration of the disputed points of boundary under the fifth article of the treaty of Ghent, the proceedings have hitherto been conducted in that spirit of candour and liberality which ought ever to characterize the acts of sovereign states, seeking to adjust, by the most unexceptionable means, important and delicate subjects of contention. The first statements of the parties have been exchanged, and the final replication, on our part, is in a course of preparation. This subject has received the attention demanded by its great and peculiar importance to a patriotic member of this confederacy. The exposition of our rights, already made, is such as, from the high reputation of the commissioners by whom it has been prepared, we had a right to expect. Our interests at the court of the sovereign who has evinced his friendly disposition,

by assuming the delicate task of arbitration, have been committed to a citizen of the state of Maine, whose character, talents, and intimate acquaintance with the subject, eminently qualify him for so responsible a trust. With full confidence in the justice of our cause, and in the probity, intelligence, and uncompromising independence of the illustrious arbitrator, we can have nothing to apprehend from the result.

“From France, our ancient ally, we have a right to expect that justice which becomes the sovereign of a powerful, intelligent, and magnanimous people. The beneficial effects produced by the commercial convention of 1822, limited as are its provisions, are too obvious not to make a salutary impression on the minds of those who are charged with the administration of her government.—Should this result induce a disposition to embrace, to their full extent, the wholesome principles which constitute our commercial policy, our minister to that court will be found instructed to cherish such a disposition, and to aid in conducting it to useful practical conclusions. The claims of our citizens for depredations upon their property, long since committed under the authority, and, in many instances, by the express direction, of the then existing government of France, remain unsatisfied; and must, therefore, continue to furnish a subject of unpleasant discussion, and possible collision, between the two governments. I cherish, however, a lively hope, founded as well on the validity of those claims, and the established policy of all enlightened governments, as on the known integrity of the French monarch, that the injurious delays of the past will find redress in the equity of the future. Our minister has been instructed to press these demands on the French government with all the earnestness which is called for by their importance and irrefutable justice; and in a spirit that will evince the respect which is due to the feelings of those from whom the satisfaction is required.

“Our minister recently appointed to Spain has been authorized to assist in removing evils alike injurious to both countries, either by concluding a commercial con-

vention, upon liberal and reciprocal terms; or by urging the acceptance, in their full extent, of the mutually beneficial provisions of our navigation acts. He has also been instructed to make a farther appeal to the justice of Spain, in behalf of our citizens, for indemnity for spoliations upon our commerce, committed under her authority—an appeal which the pacific and liberal course observed on our part, and a due confidence in the honour of that government, authorize us to expect will not be made in vain.

“With other European powers, our intercourse is on the most friendly footing. In Russia, placed by her territorial limits, extensive population, and great power, high in the rank of nations, the United States have always found a steadfast friend. Although her recent invasion of Turkey awakened a lively sympathy for those who were exposed to the desolations of war, we cannot but anticipate that the result will prove favourable to the cause of civilization, and to the progress of human happiness. The treaty of peace between these powers having been ratified, we cannot be insensible to the great benefit to be derived by the commerce of the United States, from unlocking the navigation of the Black Sea—a free passage into which is secured to all merchant vessels bound to ports of Russia, under a flag at peace with the Porte. This advantage, enjoyed, upon conditions, by most of the powers of Europe, has hitherto been withheld from us. During the past summer, an antecedent, but unsuccessful attempt to obtain it, was renewed under circumstances which promised the most favourable results. Although these results have fortunately been thus in part attained, farther facilities to the enjoyment of this new field for the enterprise of our citizens are, in my opinion, sufficiently desirable to ensure to them our most zealous attention.

“Our trade with Austria, although of secondary importance, has been gradually increasing; and is now so extended, as to deserve the fostering care of the government. A negotiation, commenced and nearly completed with that power, by the late administration, has been consummated by a treaty of amity, navigation, and commerce, which will be laid before the senate.

“During the recess of congress, our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country, caused a suspension of the recognition of the representative who presented himself, until an opportunity was had to obtain from our official organ there, information regarding the actual, and as far as practicable, prospective, condition of the authority by which the representative in question was appointed. This information being received, the application of the established rule of our government, in like cases, was no longer withheld.

“Considerable advances have been made, during the present year, in the adjustment of claims of our citizens upon Denmark for spoliations; but all that we have a right to demand from that government, in their behalf, has not yet been conceded. From the liberal footing, however, upon which this subject has, with the approbation of the claimants, been placed by the government, together with the uniformly just and friendly disposition which has been evinced by his Danish majesty, there is a reasonable ground to hope that this single subject of difference will speedily be removed.

“Our relations with the Barbary powers continue, as they have long been, of the most favourable character. The policy of keeping an adequate force in the Mediterranean, as security for the continuance of this tranquillity, will be persevered in; as well as a similar one for the protection of our commerce and fisheries in the Pacific.

“The southern republics of our own hemisphere, have not yet realized all the advantages for which they have been so long struggling. We trust, however, that the day is not distant, when the restoration of peace and internal quiet, under permanent systems of government, securing the liberty, and promoting the happiness of the citizens, will crown, with complete success, their long and arduous efforts in the cause of self-government, and enable us to salute them as friendly rivals in all that is truly great and glorious.

“The recent invasion of Mexico, and the effect thereby produced on her domestic policy, must have a controlling

influence on the great question of South American emancipation. We have seen the fell spirit of civil dissension rebuked, and, perhaps, for ever stifled, in that republic, by the love of independence. If it be true, as appearances strongly indicate, that the spirit of independence is the master spirit, and if a corresponding sentiment prevails in the other states, this devotion to liberty cannot be without a proper effect upon the counsels of the mother country. The adoption, by Spain, of a pacific policy towards her former colonies—an event consoling to humanity, and a blessing to the world, in which she herself cannot fail largely to participate—may be most reasonably expected.

“The claims of our citizens upon the South American governments, generally, are in a train of settlement; while the principal part of those upon Brazil have been adjusted, and a decree in council, ordering bonds to be issued by the minister of the treasury for their amount, has received the sanction of his imperial majesty. This event, together with the exchange of the ratifications of the treaty negotiated and concluded in 1828, happily terminates all serious causes of difference with that power.

“Measures have been taken to place our commercial relations with Peru on a better footing than that on which they have hitherto rested; and if met by a proper disposition on the part of that government, important benefits may be secured to both countries.

“Deeply interested as we are in the prosperity of our sister republics, and more particularly in that of our immediate neighbour, it would be most gratifying to me, were I permitted to say, that the treatment which we have received at her hands has been as universally friendly as the early and constant solicitude manifested by the United States for her success gave us a right to expect. But it becomes my duty to inform you that prejudices, long indulged by a portion of the inhabitants of Mexico against the envoy extraordinary and minister plenipotentiary of the United States, have had an unfortunate influence upon the affairs of the two countries, and have diminished that usefulness to its own which was justly to be expected from

his talents and zeal. To this cause, in a great degree, is to be imputed the failure of several measures equally interesting to both parties ; but particularly that of the Mexican government to ratify a treaty negotiated and concluded in its own capital and under its own eye. Under these circumstances, it appeared expedient to give to Mr. Poinsett the option either to return or not, as, in his judgment, the interest of his country might require ; and instructions to that end were prepared ; but, before they could be despatched, a communication was received from the government of Mexico, through its charge d'affaires here, requesting the recall of our minister. This was promptly complied with ; and a representative of a rank corresponding with that of the Mexican diplomatic agent near this government was appointed. Our conduct towards that republic has been uniformly of the most friendly character ; and having thus removed the only alleged obstacle to harmonious intercourse, I cannot but hope that an advantageous change will occur in our affairs.

“In justice to Mr. Poinsett, it is proper to say, that my immediate compliance with the application for his recall, and the appointment of his successor, are not to be ascribed to any evidence that the imputation of an improper interference by him, in the local politics of Mexico, was well founded ; nor to a want of confidence in his talents or integrity ; and to add, that the truth of that charge has never been affirmed by the federal government of Mexico, in its communication with this.

“I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our constitution which relates to the election of president and vice president. Our system of government was, by its framers, deemed an experiment ; and they, therefore, consistently provided a mode of remedying its defects.

“To the people belongs the right of electing their chief magistrate : it was never designed that their choice should, in any case, be defeated, either by the intervention of electoral colleges, or by the agency confided, under certain contingencies, to the house of representatives. Experience

proves, that, in proportion as agents to execute the will of the people are multiplied, there is danger of their wishes being frustrated. Some may be unfaithful ; all are liable to err. So far, therefore, as the people can, with convenience, speak, it is safer for them to express their own will.

“The number of aspirants to the presidency, and the diversity of the interests which may influence their claims, leave little reason to expect a choice in the first instance : and, in that event, the election must devolve on the house of representatives, where, it is obvious, the will of the people may not be always ascertained ; or, if ascertained, may not be regarded. From the mode of voting by states, the choice is to be made by twenty-four votes ; and it may often occur, that one of these may be controlled by an individual representative. Honours and offices are at the disposal of the successful candidate. Repeated ballotings may make it apparent that a single individual holds the cast in his hand. May he not be tempted to name his reward ? But even without corruption—supposing the probability of the representative to be proof against the powerful motives by which he may be assailed—the will of the people is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents : another, from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidates : finally, although all were inflexibly honest—all accurately informed of the wishes of their constituents—yet, under the present mode of election, a minority may often elect a president : and when this happens, it may reasonably be expected, that efforts will be made on the part of the majority to rectify this injurious operation of their institutions. But although no evil of this character should result from such a perversion of the first principle of our system—that *the majority is to govern*—it must be very certain that a president elected by a minority cannot enjoy the confidence necessary to the successful discharge of his duties.

“In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us,

then, endeavour so to amend our system, that the office of chief magistrate may not be conferred upon any citizen but in pursuance of a fair expression of the will of the majority.

“I would therefore recommend such an amendment of the constitution, as may remove all intermediate agency in the election of president and vice president. The mode may be so regulated as to preserve to each state its present relative weight in the election ; and a failure in the first attempt may be provided for, by confining the second to a choice between the two highest candidates. In connexion with such an amendment, it would seem advisable to limit the service of the chief magistrate to a single term, of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the representatives in congress on whom such an election may have devolved, would not be proper.

“While members of congress can be constitutionally appointed to offices of trust and profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens ; but the purity of our government would doubtless be promoted by their exclusion from all appointments in the gift of the president in whose election they may have been officially concerned. The nature of the judicial office, and the necessity of securing in the cabinet and in diplomatic stations of the highest rank, the best talents and political experience, should, perhaps, except these from the exclusion.

“There are perhaps few men who can for any great length of time enjoy office and power, without being more or less under the influence of feelings unfavourable to a faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves ; but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised man would revolt. Office is considered as a species of property ; and government, rather as a means of promo-

ting individual interests, than as an instrument created solely for the service of the people. Corruption in some, and in others, a perversion of correct feelings and principles, divert government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or, at least, admit of being made, so plain and simple, that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office, than is generally to be gained by their experience. I submit therefore to your consideration, whether the efficiency of the government would not be promoted, and official industry and integrity better secured, by a general extension of the law which limits appointments to four years.

“In a country where offices are created solely for the benefit of the people, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men, at the public expense. No individual wrong is therefore done by removal, since neither appointment to, nor continuance in, office, is matter of right. The incumbent became an officer with a view to public benefits; and when these require his removal, they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain, when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living, that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property, now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system.

“No very considerable change has occurred, during the recess of congress, in the condition of either our agriculture, commerce, or manufactures. The operation of the tariff has not proved so injurious to the two former, or as beneficial to the latter, as was anticipated. Importations of foreign goods have not been sensibly diminished;

while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital, and are prudently managed, will survive the shock, and be ultimately profitable, there is no good reason to doubt.

“To regulate its conduct, so as to promote equally the prosperity of these three cardinal interests, is one of the most difficult tasks of government; and it may be regretted that the complicated restrictions which now embarrass the intercourse of nations, could not, by common consent, be abolished, and commerce allowed to flow in those channels to which individual enterprise—always its surest guide—might direct it. But we must ever expect selfish legislation in other nations; and are therefore compelled to adapt our own to their regulations, in the manner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures. Under these impressions, I invite your attention to the existing tariff, believing that some of its provisions require modification.

“The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point, are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation in regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss.

“In deliberating, therefore, on these interesting subjects, local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole. All attempts to connect them with the

party conflicts of the day are necessarily injurious, and should be discountenanced. Our action upon them should be under the control of higher and purer motives. Legislation, subjected to such influence, can never be just ; and will not long retain the sanction of a people, whose active patriotism is not bounded by sectional limits, nor insensible to that spirit of concession and forbearance, which gave life to our political compact, and still sustains it. Discarding all calculations of political ascendancy, the north, the south, the east, and the west, should unite in diminishing any burthen, of which either may justly complain.

“The agricultural interests of our country is so essentially connected with every other, and so superior in importance to them all, that it is scarcely necessary to invite to it your particular attention. It is principally as manufactures and commerce tend to increase the value of agricultural productions, and to extend their application to the wants and comforts of society, that they deserve the fostering care of government.

“Looking forward to the period, not far distant, when a sinking fund will no longer be required, the duties on those articles of importation which cannot come in competition with our own productions, are the first that should engage the attention of congress in the modification of the tariff. Of these, tea and coffee are the most prominent : they enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties, will be felt as a common benefit ; but, like all other legislation connected with commerce, to be efficacious, and not injurious, it should be gradual and certain.

“The public prosperity is evinced in the increased revenue arising from the sales of the public lands ; and in the steady maintenance of that produced by imposts and tonnage, notwithstanding the additional duties imposed by the act of 19th May, 1828, and the unusual importations in the early part of that year.

“The balance in the treasury, on the 1st of January, 1829, was five millions nine hundred and seventy-two thousand four hundred and thirty-five dollars and eighty-

one cents. The receipts of the current year are estimated at twenty-four millions six hundred and two thousand two hundred and thirty dollars, and the expenditures for the same time, at twenty-six millions one hundred and sixty-four thousand five hundred and ninety-five dollars; leaving a balance in the treasury, on the 1st of January next, of four millions four hundred and ten thousand and seventy dollars and eighty-one cents.

“There will have been paid, on account of the public debt, during the present year, the sum of twelve millions four hundred and five thousand and five dollars and eighty cents; reducing the whole debt of the government, on the first of January next, to forty-eight millions five hundred and sixty-five thousand four hundred and six dollars and fifty cents, including seven millions of five per cent. stock, subscribed to the bank of the United States. The payment on account of the public debt, made on the first of July last, was eight millions seven hundred and fifteen thousand four hundred and sixty-two dollars and eighty-seven cents. It was apprehended that the sudden withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure in the money market, might cause much injury to the interests dependent on bank accommodations. But this evil was wholly averted by an early anticipation of it at the treasury, aided by the judicious arrangements of the officers of the bank of the United States.

“This state of the finances exhibits the resources of the nation in an aspect highly flattering to its industry; and auspicious of the ability of government, in a very short time, to extinguish the public debt. When this shall be done, our population will be relieved from a considerable portion of its present burthens; and will find, not only new motives to patriotic affection, but additional means for the display of individual enterprise. The fiscal power of the states will also be increased; and may be more extensively exerted in favour of education and other public objects: while ample means will remain in the federal government to promote the general weal, in all the modes permitted to its authority.

GLORY OF AMERICA.

After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the union, will, until a remote period, if ever, leave the government without a considerable surplus in the treasury, beyond what may be required for its current service. As then the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of congress; and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement; and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the general government; it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the states, and strengthen the bonds which unite them. Every member of the union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several states. Let us then endeavour to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted, has, by many of our fellow-citizens, been deprecated as an infraction of the constitution; while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

“To avoid these evils, it appears to me that the most safe, just, and federal disposition, which could be made of the surplus revenue, would be its apportionment among the several states according to their ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the states an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations. Upon this country, more than any other, has, in the providence of God, been cast the special guardianship of the great principle of adherence to written constitutions. If

it fail here, all hope in regard to it will be extinguished. That this was intended to be a government of limited and specific, and not general powers, must be admitted by all ; and it is our duty to preserve for it the character intended by its framers. If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised ; and not undermine the whole system by a resort to overstrained constructions. The scheme has worked well. It has exceeded the hopes of those who devised it, and become an object of admiration to the world. We are responsible to our country, and to the glorious cause of self-government, for the preservation of so great a good. The great mass of legislation relating to our internal affairs, was intended to be left where the federal convention found it,—in the state governments. Nothing is clearer, in my view, than that we are chiefly indebted for the success of the constitution under which we are now acting, to the watchful and auxiliary operation of the state authorities. This is not the reflection of a day, but belongs to the most deeply rooted convictions of my mind. I cannot, therefore, too strongly or too earnestly, for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of state sovereignty. Sustained by its healthful and invigorating influence, the federal system can never fall.

“In the collection of the revenue, the long credits authorized on goods imported from beyond the Cape of Good Hope are the chief cause of the losses at present sustained. If these were shortened to six, nine, and twelve months, and warehouses provided by government, sufficient to receive the goods offered in deposit for security and for debenture ; and if the right of the United States to a priority of payment out of the estates of its insolvent debtors were more effectually secured,—this evil would, in a great measure, be obviated. An authority to construct such houses is, therefore, with the proposed alteration of the credits, recommended to your attention.

“It is worthy of notice, that the laws for the collection and security of the revenue arising from imposts, were chiefly framed when the rates of duties on imported goods

presented much less temptation for illicit trade than at present exists. There is reason to believe that these laws are, in some respects, quite insufficient for the proper security of the revenue, and the protection of the interests of those who are disposed to observe them. The injurious and demoralizing tendency of a successful system of smuggling is so obvious as not to require comment, and cannot be too carefully guarded against. I therefore suggest to congress the propriety of adopting efficient measures to prevent this evil, avoiding, however, as much as possible, every unnecessary infringement of individual liberty, and embarrassment of fair and lawful business.

“On an examination of the records of the treasury, I have been forcibly struck with the large amount of public money which appears to be outstanding. Of the sum thus due from individuals to the government, a considerable portion is undoubtedly desperate; and, in many instances, has probably been rendered so by remissness in the agents charged with its collection. By proper exertions, a great part, however, may yet be recovered; and, whatever may be the portions respectively belonging to these two classes, it behooves the government to ascertain the real state of the fact. This can be done only by the prompt adoption of judicious measures for the collection of such as may be made available. It is believed that a very large amount has been lost through the inadequacy of the means provided for the collection of debts due to the public; and that this inadequacy lies chiefly in the want of legal skill, habitually and constantly employed in the direction of the agents engaged in the service. It must, I think, be admitted, that the supervisory power over suits brought by the public, which is now vested in an *accounting* officer of the treasury, not selected with a view to his legal knowledge, and encumbered as he is with numerous other duties, operates unfavourably to the public interest.

“It is important that this branch of the public service should be subjected to the supervision of such professional skill as will give it efficiency. The expense attendant upon such a modification of the executive department, would be justified by the soundest principles of economy.

I would recommend, therefore, that the duties now assigned to the agent of the treasury, so far as they relate to the superintendence and management of legal proceedings, on the part of the United States, be transferred to the attorney general; and that this officer be placed on the same footing, in all respects, as the heads of the other departments,—receiving like compensation, and having such subordinate officers provided for his department, as may be requisite for the discharge of these additional duties. The professional skill of the attorney general, employed in directing the conduct of marshals and district attorneys, would hasten the collection of debts now in suit, and hereafter save much to the government. It might be farther extended to the superintendence of all criminal proceedings, for offences against the United States. In making this transfer, great care should be taken, however, that the power necessary to the treasury department be not impaired: one of its greatest securities consisting in a control over all accounts, until they are audited or reported for suit.

“In connexion with the foregoing views, I would suggest, also, an inquiry, whether the provisions of the act of congress, authorizing the discharge of the persons of debtors to the government, from imprisonment, may not, consistently with the public interest, be extended to the release of the debt, where the conduct of the debtor is wholly exempt from the imputation of fraud. Some more liberal policy than that which now prevails, in reference to this unfortunate class of citizens, is certainly due to them, and would prove beneficial to the country. The continuance of the liability, after the means to discharge it have been exhausted, can only serve to dispirit the debtor; or, where his resources are but partial, the want of power in the government to compromise and release the demand, instigates to fraud, as the only resource for securing a support to his family. He thus sinks into a state of apathy, and becomes a useless drone in society, or a vicious member of it, if not a feeling witness of the rigour and inhumanity of his country. All experience proves, that oppressive debt is the bane of enterprise;

and it should be the care of a republic not to exert a grinding power over misfortune and poverty.

“Since the last session of congress, numerous frauds on the treasury have been discovered, which I thought it my duty to bring under the cognizance of the United States’ court for this district, by a criminal prosecution. It was my opinion, and that of able counsel who were consulted, that the cases came within the penalties of the act of the 17th congress, approved 3d March, 1823, providing for the punishment of frauds committed on the government of the United States. Either from some defect in the law, or in its administration, every effort to bring the accused to trial, under its provisions, proved ineffectual; and the government was driven to the necessity of resorting to the vague and inadequate provisions of the common law. It is therefore my duty to call your attention to the laws which have been passed for the protection of the treasury. If, indeed, there be no provision by which those who may be unworthily intrusted with its guardianship, can be punished for the most flagrant violation of duty, extending even to the most fraudulent appropriation of the public funds to their own use; it is time to remedy so dangerous an omission. Or, if the law has been perverted from its original purposes, and criminals, deserving to be punished under its provisions, have been rescued by legal subtleties, it ought to be made so plain, by amendatory provisions, as to baffle the arts of perversion, and accomplish the ends of its original enactment.

“In one of the most flagrant cases, the court decided that the prosecution was barred by the statute, which limits prosecution for fraud to two years. In this case, all the evidences of the fraud, and indeed all knowledge that a fraud had been committed, were in possession of the party accused, until after the two years had elapsed. Surely the statute ought not to run in favour of any man, while he retains all the evidences of his crime in his own possession; and, least of all, in favour of a public officer who continues to defraud the treasury, and conceal the transaction for the brief term of two years. I would therefore recommend such an alteration of the law as will give

the injured party and the government two years, after the disclosure of the fraud, or after the accused is out of office, to commence their prosecution.

“In connexion with this subject, I invite the attention of congress to a general and minute inquiry into the condition of the government; with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts, to secure the proper responsibility of public agents, and promote efficiency and justice in all its operations.

“The report of the secretary of war will make you acquainted with the condition of our army, fortifications, arsenals, and Indian affairs. The proper discipline of the army, the training and equipment of the militia, the education bestowed at West Point, and the accumulation of the means of defence, applicable to the naval force; will tend to prolong the peace we now enjoy, and which every good citizen—more especially those who have felt the miseries of even a successful warfare—must ardently desire to perpetuate.

“The returns from the subordinate branches of this service, exhibit a regularity and order highly creditable to its character; both officers and soldiers seem imbued with a proper sense of duty, and conform to the restraints of exact discipline, with that cheerfulness which becomes the profession of arms. There is need, however, of farther legislation, to obviate the inconveniences specified in the report under consideration; to some of which it is proper that I should call your particular attention.

“The act of congress of the 2d March, 1821, to reduce and fix the military establishment, remaining unexecuted as it regards the command of one of the regiments of artillery, cannot now be deemed a guide to the executive in making the proper appointment. An explanatory act, designating the class of officers out of which this grade is to be filled—whether from the military list, as existing prior to the act of 1821, or from it, as it has been fixed by that act—would remove this difficulty. It is also important that the laws regulating the pay and emoluments

of officers generally, should be more specific than they now are. Those, for example, in relation to the paymaster and surgeon general, assign to them an annual salary of two thousand five hundred dollars, but are silent as to allowances, which, in certain exigencies of the service, may be deemed indispensable to the discharge of their duties. This circumstance has been the authority for extending to them various allowances, at different times, under former administrations; but no uniform rule has been observed on the subject. Similar inconveniences exist in other cases, in which the construction put upon the laws, by the public accountants, may operate unequally, produce confusion, and expose officers to the odium of claiming what is not their due.

“I recommend to your fostering care, as one of your safest means of national defence, the military academy. This institution has already exercised the happiest influence upon the moral and intellectual character of our army; and such of the graduates as, from various causes, may not pursue the profession of arms, will be scarcely less useful as citizens. Their knowledge of the military art will be advantageously employed in the militia service; and in a measure, secure to that class of troops the advantages which, in this respect, belong to standing armies.

“I would also suggest a review of the pension law, for the purpose of extending its benefits to every revolutionary soldier who aided in establishing our liberties, and who is unable to maintain himself in comfort. These relics of the war of independence have strong claims upon their country's gratitude and bounty. The law is defective, in not embracing within its provisions all those who were, during the last war, disabled from supporting themselves by manual labour. Such an amendment would add but little to the amount of pensions, and is called for by the sympathies of the people, as well as by considerations of sound policy. It will be perceived that a large addition to the list of pensioners has been occasioned by an order of the late administration, departing materially from the rules which had previously prevailed. Consi-

dering it an act of legislation, I suspended its operation as soon as I was informed that it had commenced. Before this period, however, applications under the new regulation had been preferred, to the number of one hundred and fifty-four: of which, on the 27th March, the date of its revocation, eighty-seven were admitted. For the amount, there was neither estimate nor appropriation; and besides this deficiency, the regular allowances, according to the rules which have heretofore governed the department, exceed the estimate of its late secretary, by about fifty thousand dollars: for which an appropriation is asked.

“Your particular attention is requested to that part of the report of the secretary of war, which relates to the money held in trust for the Seneca tribe of Indians. It will be perceived that, without legislative aid, the executive cannot obviate the embarrassments occasioned by the diminution of the dividends on that fund; which originally amounted to one hundred thousand dollars, and has recently been vested in United States’ three per cent. stock.

“The condition and ulterior destiny of the Indian tribes within the limits of some of our states, have become objects of much interest and importance. It has long been the policy of government to introduce among them the arts of civilization, in the hope of gradually reclaiming them from a wandering life. This policy has, however, been coupled with another, wholly incompatible with its success. Professing a desire to civilize and settle them, we have, at the same time, lost no opportunity to purchase their lands, and thrust them farther into the wilderness. By this means they have not only been kept in a wandering state, but been led to look upon us as unjust and indifferent to their fate. Thus, though lavish in its expenditures upon the subject, government has constantly defeated its own policy; and the Indians in general, receding farther and farther to the west, have retained their savage habits. A portion, however, of the southern tribes, having mingled much with the whites, and made some progress in the arts of civilized life, have lately

attempted to erect an independent government, within the limits of Georgia and Alabama. These states, claiming to be the only sovereigns within their territories, extended their laws over the Indians; which induced the latter to call upon the United States for protection.

“Under these circumstances, the question presented was, whether the general government had a right to sustain those people in their pretensions? The constitution declares, that “no new state shall be formed or erected within the jurisdiction of any other state,” without the consent of its legislature. If the general government is not permitted to tolerate the erection of a confederate state within the territory of one of the members of this union, against her consent, much less could it allow a foreign and independent government to establish itself there. Georgia became a member of the confederacy which eventuated in our federal union, as a sovereign state, always asserting her claim to certain limits; which having been originally defined in her colonial charter, and subsequently recognised in the treaty of peace, she has ever since continued to enjoy, except as they have been circumscribed by her own voluntary transfer of a portion of her territory to the United States, in the articles of cession of 1802. Alabama was admitted into the union, on the same footing with the original states, with boundaries which were prescribed by congress. There is no constitutional, conventional, or legal provision, which allows them less power over the Indians within their borders, than is possessed by Maine or New York. Would the people of Maine permit the Penobscot tribe to erect an independent government within their state? and unless they did, would it not be the duty of the general government to support them in resisting such a measure? Would the people of New York permit each remnant of the Six Nations within her borders, to declare itself an independent people, under the protection of the United States? Could the Indians establish a separate republic on each of their reservations in Ohio? and if they were so disposed, would it be the duty of this government to protect them in the attempt? If the principle involved in the obvious answer to these questions

be abandoned, it will follow that the objects of this government are reversed ; and that it has become a part of its duty to aid in destroying the states which it was established to protect.

“ Actuated by this view of the subject, I informed the Indians inhabiting parts of Georgia and Alabama, that their attempt to establish an independent government would not be countenanced by the executive of the United States ; and advised them to emigrate beyond the Mississippi, or submit to the laws of those states.

“ Our conduct towards these people is deeply interesting to our national character. Their present condition, contrasted with what they once were, makes a most powerful appeal to our sympathies. Our ancestors found them the uncontrolled possessors of these vast regions. By persuasion and force, they have been made to retire from river to river, and from mountain to mountain ; until some of the tribes have become extinct, and others have left but remnants to preserve, for a while, their once terrible names. Surrounded by the whites, with their arts of civilization, which, by destroying the resources of the savage, doom him to weakness and decay ; the fate of the Mohegan, the Narragansett, and the Delaware, is fast overtaking the Choctaw, the Cherokee, and the Creek. That this fate surely awaits them, if they remain within the limits of the states, does not admit of a doubt. Humanity and national honour demand that every effort should be made to avert so great a calamity. It is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new states whose limits they could control. That step cannot be retraced. A state cannot be dismembered by congress, or restricted in the exercise of her constitutional power. But the people of those states, and of every state, actuated by feelings of justice, and regard for our national honour, submit to you the interesting question, whether something cannot be done, consistently with the rights of the states, to preserve this much injured race ?

“ As a means of effecting this end, I suggest for your consideration, the propriety of setting apart an ample

district west of the Mississippi, and without the limits of any state or territory, now formed, to be guaranteed to the Indian tribes, as long as they shall occupy it: each tribe having a distinct control over the portion designated for its use. There they may be secured in the enjoyment of governments of their own choice, subject to no other control from the United States, than such as may be necessary to preserve peace on the frontier, and between the several tribes. There the benevolent may endeavour to teach them the arts of civilization; and by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race, and to attest the humanity and justice of this government.

“This emigration should be voluntary: for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home in a distant land. But they should be distinctly informed, that if they remain within the limits of the states, they must be subject to their laws. In return for their obedience, as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry. But it seems to me visionary to suppose, that, in this state of things, claims can be allowed on tracts of country on which they have neither dwelt nor made improvements, merely because they have seen them from the mountain, or passed them in the chase. Submitting to the laws of the states, and receiving, like other citizens, protection in their persons and property they will, ere long, become merged in the mass of our population.

“The accompanying report of the secretary of the navy will make you acquainted with the condition and useful employment of that branch of our service, during the present year. Constituting, as it does, the best standing security of this country against foreign aggression, it claims the especial attention of government. In this spirit, the measures which, since the termination of the last war, have been in operation for its gradual enlargement, were adopted; and it should continue to be cherished as the offspring of our national experience. It will be seen, how-

ever, that, notwithstanding the great solicitude which has been manifested for the perfect organization of this arm, and the liberality of the appropriations which that solicitude has suggested, this object has, in many important respects, not been secured.

“In time of peace, we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object, must lie in the harbours, where, without proper covering, they rapidly decay ; and even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels ; which, though unfinished, will now require immense sums of money to be restored to the condition in which they were when committed to their proper element. On this subject there can be but little doubt that our best policy would be to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of vessels which we can float in a season of peace, as the index of our naval power. Judicious deposits in navy yards, of timber and other materials, fashioned under the hands of skilful workmen, and fitted for prompt application to their various purposes, would enable us, at all times, to construct vessels as fast as they can be manned ; and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce. The proper points for the establishment of these yards, are indicated with so much force in the report of the navy board, that, in recommending it to your attention, I deem it unnecessary to do more than express my hearty concurrence in their views. The yard in this district, being already furnished with most of the machinery necessary for ship building, will be competent to the supply of the two selected by the board as the best for the concentration of materials ; and, from the facility and certainty of communication between them, it will be useless to incur, at these depots, the expense of similar machinery, especially that used in preparing the usual metallic and wooden furniture of vessels.

“Another improvement would be effected by dispensing

altogether with the navy board, as now constituted, and substituting, in its stead, bureaus similar to those already existing in the war department. Each member of the board, transferred to the head of a separate bureau, charged with specific duties, would feel, in its highest degree, that wholesome responsibility which cannot be divided without a far more than proportionate diminution of its force. Their valuable services would become still more so, when separately appropriated to distinct portions of the great interests of the navy; to the prosperity of which each would be impelled to devote himself by the strongest motives. Under such an arrangement, every branch of this important service would assume a more simple and precise character; its efficiency would be increased, and scrupulous economy in the expenditure of public money promoted.

“I would also recommend that the marine corps be merged in the artillery or infantry, as the best mode of curing the many defects in its organization. But little exceeding in number any of the regiments of infantry, that corps has, besides its lieutenant colonel commandant, five brevet lieutenant colonels, who receive the full pay and emoluments of their brevet rank, without rendering proportionate service. Details for marine service could as well be made from the infantry, or artillery—there being no peculiar training requisite for it.

“With these improvements, and such others as zealous watchfulness and mature consideration may suggest, there can be little doubt that, under an energetic administration of its affairs, the navy may soon be made every thing that the nation wishes it to be. Its efficiency in the suppression of piracy in the West India seas, and wherever its squadrons have been employed in securing the interests of the country, will appear from the report of the secretary, to which I refer you for other interesting details. Among these, I would bespeak the attention of congress for the views presented in relation to the inequality between the army and navy as to the pay of officers. No such inequality should prevail between these brave defenders of their country; and where it does exist, it is submitted to congress whether it ought not to be rectified.

“The report of the postmaster general is referred to as exhibiting a highly satisfactory administration of that department. Abuses have been reformed; increased expedition in the transmission of the mail secured; and its revenue much improved. In a political point of view, this department is chiefly important as affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural,—conveying rapidly and regularly, to the remotest parts of the system, correct information of the operations of the government, and bringing back to it the wishes and feelings of the people. Through its agency, we have secured to ourselves the full enjoyment of the blessings of a free press.

“In this general survey of our affairs, a subject of high importance presents itself in the present organization of the judiciary. A uniform operation of the federal government in the different states is certainly desirable; and, existing as they do in the union, on the basis of perfect equality, each state has a right to expect that the benefits conferred on the citizens of others should be extended to hers. The judicial system of the United States exists in all its efficiency in only fifteen members of the union: to three others, the circuit courts, which constitute an important part of that system, have been imperfectly extended: and to the remaining six, altogether denied. The effect has been to withhold from the inhabitants of the latter the advantages afforded (by the supreme court) to their fellow citizens in other states, in the whole extent of the criminal, and much of the civil authority of the federal judiciary. That this state of things ought to be remedied, if it can be done consistently with the public welfare, is not to be doubted; neither is it to be disguised that the organization of our judicial system is at once a difficult and delicate task. To extend the circuit courts equally throughout the different parts of the union, and, at the same time, to avoid such a multiplication of members as would incumber the supreme appellate tribunal, is the object desired. Perhaps it might be accomplished by dividing the circuit judges into two classes, and providing that the supreme court should be

held by those classes alternately—the chief justice always presiding.

“If an extension of the circuit court system to those states which do not now enjoy its benefits, should be determined upon, it would, of course, be necessary to revise the present arrangement of the circuits; and even if that system should not be enlarged, such a revision is recommended.

“A provision for taking the census of the people of the United States, will, to ensure the completion of that work within a convenient time, claim the early attention of congress.

“The great and constant increase of business in the department of state, forced itself, at an early period, upon the attention of the executive. Thirteen years ago, it was, in Mr. Madison’s last message to congress, made the subject of an earnest recommendation, which has been repeated by both of his successors; and my comparatively limited experience has satisfied me of its justness. It has arisen from many causes, not the least of which is the large addition that has been made to the family of independent nations, and the proportionate extension of our foreign relations. The remedy proposed was the establishment of a home department—a measure which does not appear to have met the views of congress, on account of its supposed tendency to increase gradually, and imperceptibly, the already too strong bias of the federal system towards the exercise of authority not delegated to it. I am not, therefore, disposed to revive the recommendation; but am not the less impressed with the importance of so organizing that department, that its secretary may devote more of its time to our foreign relations. Clearly satisfied that the public good would be promoted by some suitable provision on the subject, I respectfully invite your attention to it.

“The charter of the bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too

soon present it to the deliberate consideration of the legislature and the people. Both the constitutionality and the expediency of the law creating this bank, are well questioned by a large portion of our fellow citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency.

“Under these circumstances, if such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the legislature, whether a national one, founded upon the credit of the government and its revenues, might not be devised, which would avoid all constitutional difficulties, and at the same time secure all the advantages to the government and country that were expected to result from the present bank.

“I cannot close this communication without bringing to your view the just claim of the representatives of Commodore Decatur, his officers, and crew, arising from the re-capture of the frigate *Philadelphia*, under the heavy batteries of Tripoli. Although sensible, as a general rule, of the impropriety of executive interference under a government like ours, where every individual enjoys the right of directly petitioning congress; yet, viewing this case as one of a very peculiar character, I deem it my duty to recommend it to your favourable consideration. Besides the justice of this claim, as corresponding to those which have been since recognised and satisfied, it is the fruit of a deed of patriotic and chivalrous daring, which infused life and confidence into our infant navy, and contributed, as much as any exploit in its history, to elevate our national character. Public gratitude, therefore, stamps her seal upon it; and the meed should not be withheld which may hereafter operate as a stimulus to our gallant tars.

“I now commend you, fellow citizens, to the guidance of Almighty God, with a full reliance on his merciful Providence for the maintenance of our free institutions; and with an earnest supplication, that, whatever errors it may be my lot to commit, in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your counsels.

“ANDREW JACKSON.”

After the adoption of the tariff of 1828, much dissatisfaction was expressed in the southern section of the union. The citizens of South Carolina, in particular, were peculiarly sensitive on the subject. They contended that the provisions of the tariff bore hard on their own interests, and in effect taxed the South for the benefit of the North. In 1832, these complaints assumed a serious aspect, and threatened a dismemberment of the union. Meetings of the disaffected were called, and resolutions of a violent character, the purport of which could not be misunderstood, were adopted.

On the 26th of November, the legislature of that state met in Columbia, pursuant to adjournment. On the next day Governor Hamilton presented a communication to that body, indicating the most determined hostility to the tariff, and suggesting a course of conduct, in accordance with the prevailing excitement. At this session, "An Ordinance to nullify certain acts of congress" was passed in due form, containing all the requisites necessary to a manifesto preliminary to "the last reason of kings."

The crisis was truly alarming;—not from the physical force which South Carolina could wield, nor from any doubts of the ultimate result, as a mere conflict in arms; but from its moral effect on our own republican institutions, and its deleterious influence on the general cause of liberal principles in the eastern hemisphere. But this crisis was met by the national executive with unshrinking firmness, and met in the only practicable way, to ensure obedience to the laws, and the perpetuity of the union. A proclamation was issued, which, as it effected a bloodless triumph, needs no other comment.

PROCLAMATION
BY ANDREW JACKSON,
PRESIDENT OF THE UNITED STATES.

WHEREAS a Convention assembled in the state of South Carolina have passed an Ordinance, by which they declare "That the several acts and parts of acts of the congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially" two acts, for the same purposes, passed on the 29th of May, 1828, and on the 14th of July, 1832, "are unauthorized by the constitution of the United States, and violate the true meaning and intent thereof, and are null and void, and no law," nor binding on the citizens of that state or its officers; and by the said ordinance it is farther declared to be unlawful for any of the constituted authorities of the state, or of the United States, to enforce the payment of the duties imposed by the said acts within the same state, and that it is the duty of the legislature to pass such laws as may be necessary to give full effect to the said ordinance:

AND WHEREAS, by the said ordinance it is farther ordained, that, in no case of law or equity, decided in the courts of said state, wherein shall be drawn in question the validity of the said ordinance, or of the acts of the legislature that may be passed to give it effect, or of the said laws of the United States, no appeal shall be allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and that any person attempting to take such appeal shall be punished as for a contempt of court:

And finally, the said ordinance declares that the people of South Carolina will maintain the said ordinance at every hazard; and that they will consider the passage of any act by congress abolishing or closing the ports of the said state, or otherwise obstructing the free ingress or egress of vessels to and from the said ports, or any other act of federal government to coerce the state, shut up her ports, destroy or harass her commerce, or to enforce the said acts otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the union; and that the people of the said state will thenceforth hold themselves absolved from all farther obligation to maintain or

preserve their political connexion with the people of the other states, and will forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent states may of right do :

AND WHEREAS the said ordinance prescribes to the people of South Carolina a course of conduct, in direct violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its constitution, and having for its object the destruction of the union—that union, which, coeval with our political existence, led our fathers, without any other ties to unite them than those of patriotism and a common cause, through a sanguinary struggle to a glorious independence—that sacred union, hitherto inviolate, which, perfected by our happy constitution, has brought us, by the favour of Heaven, to a state of prosperity at home, and high consideration abroad, rarely, if ever, equalled in the history of nations. To preserve this bond of our political existence from destruction, to maintain inviolate this state of national honour and prosperity, and to justify the confidence my fellow citizens have reposed in me, I, ANDREW JACKSON, *President of the United States*, have thought proper to issue this my PROCLAMATION, stating my views of the constitution and laws applicable to the measures adopted by the convention of South Carolina, and to the reasons they have put forth to sustain them, declaring the course which duty will require me to pursue, and appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from an observance of the dictates of the convention.

Strict duty would require of me nothing more than the exercise of those powers with which I am now, or may hereafter be, invested, for preserving the peace of the union, and for the execution of the laws. But the imposing aspect which opposition has assumed in this case, by clothing itself with state authority, and the deep interest which the people of the United States must all feel in preventing a resort to stronger measures, while there is a hope that any thing will be yielded to reasoning and remonstrance, perhaps demand, and will certainly justify, a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

The ordinance is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional, and too oppressive to be endured, but on the strange position that any one state may not only declare an act of congress void, but prohibit its execution—that they may do this consistently with the constitution—that the true construction of that

instrument permits a State to retain its place in the Union, and yet be bound by no other of its laws than those it may choose to consider as constitutional. It is true, they add, that, to justify this abrogation of a law, it must be palpably contrary to the Constitution; but it is evident, that to give the right of resisting laws of that description, coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws. For, as by the theory there is no appeal, the reasons alleged by the State, good or bad, must prevail. If it should be said that public opinion is a sufficient check against the abuse of this power, it may be asked, why it is not deemed a sufficient guard against the passage of an unconstitutional act by Congress. There is, however, a restraint in this last case, which makes the assumed power of a State more indefensible, and which does not exist in the other. There are two appeals from an unconstitutional act passed by Congress—one to the Judiciary, the other to the people and the States. There is no appeal from the State decision in theory; and the practical illustration shows that the courts are closed against an application to review it, both judges and jurors being sworn to decide in its favour. But reasoning on this subject is superfluous, when our social compact in express terms declares, that the laws of the United States, its Constitution, and treaties made under it, are the Supreme law of the land; and, for greater caution, adds, “that the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.” And it may be asserted, without fear of refutation, that no Federative Government could exist without a similar provision. Look for a moment to the consequence. If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected any where; for all imposts must be equal. It is no answer to repeat that an unconstitutional law is no law, so long as the question of its legality is to be decided by the State itself; for every law operating injuriously upon any local interest will be perhaps thought, and certainly represented, as unconstitutional, and, as has been shown, there is no appeal.

If this doctrine had been established at an earlier day, the Union would have been dissolved in its infancy. The excise law in Pennsylvania, the embargo and non-intercourse law in the Eastern States, the carriage tax in Virginia, were all deemed unconstitutional, and were more unequal in their operation than any of the laws now complained of; but, fortunately, none of those States discovered that they had the

right now claimed by South Carolina. The war into which we were forced, to support the dignity of the nation and the rights of our citizens, might have ended in defeat and disgrace, instead of victory and honour, if the States, who supposed it a ruinous and unconstitutional measure, had thought they possessed the right of nullifying the act by which it was declared, and denying supplies for its prosecution. Hardly and unequally as those measures bore upon several members of the Union, to the Legislatures of none did this efficient and peaceable remedy, as it is called, suggest itself. The discovery of this important feature in our constitution was reserved to the present day. To the statesmen of South Carolina belongs the invention, and upon the citizens of that State will unfortunately fall the evils of reducing it to practice.

If the doctrine of the State veto upon the laws of the Union carries with it internal evidence of its impracticable absurdity, our constitutional history will also afford abundant proof that it would have been repudiated with indignation, had it been proposed to form a feature in our Government.

In our colonial state, although dependent on another power, we very early considered ourselves as connected by common interest with each other. Leagues were formed for common defence, and before the declaration of Independence, we were known in our aggregate character as THE UNITED COLONIES OF AMERICA. That decisive and important step was taken jointly. We declared ourselves a nation by a joint, not by several acts; and when the terms of our confederation were reduced to form, it was in that of a solemn league of several States, by which they agreed that they would collectively, form one nation for the purpose of conducting some certain domestic concerns, and all foreign relations. In the instrument forming that Union, is found an article which declares that "every State shall abide by the determination of Congress, on all questions, which by that confederation should be submitted to them."

Under the confederation, then, no State could legally annul a decision of the Congress, or refuse to submit to its execution; but no provision was made to enforce these decisions. Congress made requisitions, but they were not complied with. The Government could not operate on individuals. They had no judiciary, no means of collecting revenue.

But the defects of the confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy Constitution was formed; but formed in vain, if this fatal doctrine prevails. It was formed for important objects

that are announced in the preamble made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it. The most important among these objects, that which is placed first in rank, on which all the others rest, is, "*to form a more perfect Union.*" Now, is it possible that, even if there were no express provision giving supremacy to the Constitution and laws of the United States over those of the States, it can be conceived, that an instrument made for the purpose of "*forming a more perfect Union*" than that of the confederation, could be so constructed by the assembled wisdom of our country, as to substitute for that confederation a form of Government dependent for its existence on the local interest, the party spirit of a State, or of a prevailing faction in a State? Every man of plain unsophisticated understanding, who hears the question, will give such an answer as will preserve the Union. Metaphysical subtlety, in pursuit of an impracticable theory, could alone have devised one that is calculated to destroy it.

I consider, then, the power to annul a law of the United States, assumed by one State, INCOMPATIBLE WITH THE EXISTENCE OF THE UNION, CONTRADICTED EXPRESSLY BY THE LETTER OF THE CONSTITUTION, UNAUTHORIZED BY ITS SPIRIT, INCONSISTENT WITH EVERY PRINCIPLE ON WHICH IT WAS FOUNDED, AND DESTRUCTIVE OF THE GREAT OBJECT FOR WHICH IT WAS FORMED.

After this general view of the leading principle, we must examine the particular application of it which is made in the ordinance.

The preamble rests its justification on these grounds:—It assumes as a fact, that the obnoxious laws, although they purport to be laws for raising revenue, were in reality intended for the protection of manufactures, which purpose it asserts to be unconstitutional;—that the operation of these laws is unequal;—that the amount raised by them is greater than is required by the wants of the Government;—and, finally, that the proceeds are to be applied to objects unauthorized by the Constitution. These are the only causes alleged to justify an open opposition to the laws of the country, and a threat of seceding from the Union, if any attempt should be made to enforce them. The first virtually acknowledges that the law in question was passed under a power expressly given by the Constitution, to lay and collect imposts; but its constitutionality is drawn in question from the motives of those who passed it. However apparent this purpose may be in the present case, nothing can be more dangerous than to admit the position, that an unconstitutional purpose, entertained by the members who assent to a law enacted under a constitutional power, shall make that law void; for how is

that purpose to be ascertained? Who is to make the scrutiny? How often may bad purposes be falsely imputed? in how many cases are they concealed by false professions? in how many is no declaration of motive made? Admit this doctrine, and you give to the States an uncontrolled right to decide, and every law may be annulled under this pretext. If, therefore, the absurd and dangerous doctrine should be admitted, that a State may annul an unconstitutional law, or one that it deems such, it will not apply to the present case.

The next objection is, that the laws in question operate unequally. This objection may be made with truth to every law that has been or can be passed. The wisdom of man never yet contrived a system of taxation that would operate with perfect equality. If the unequal operation of a law makes it unconstitutional, and if all laws of that description may be abrogated by any State for that cause, then indeed is the Federal Constitution unworthy of the slightest effort for its preservation. We have hitherto relied on it as the perpetual bond of our Union. We have received it as the work of the assembled wisdom of the nation. We have trusted to it as to the sheet anchor of our safety, in the stormy times of conflict with a foreign or domestic foe. We have looked to it with sacred awe as the palladium of our liberties, and, with all the solemnities of religion, have pledged to each other our lives and fortunes here, and our hopes of happiness hereafter, in its defence and support. Were we mistaken, my countrymen, in attaching this importance to the Constitution of our country? Was our devotion paid to the wretched, inefficient, clumsy contrivance, which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing—a bubble that must be blown away by the first breath of disaffection? Was this self-deceiving, visionary theory, the work of the profound statesmen, the exalted patriots, to whom the task of constitutional reform was intrusted? Did the name of Washington sanction, did the States deliberately ratify, such an anomaly in the history of fundamental legislation? No. We were not mistaken! The letter of this great instrument is free from this radical fault: its language directly contradicts the imputation: its spirit—its evident intent, contradicts it. No, we did not err! Our Constitution does not contain the absurdity of giving power to make laws, and another power to resist them. The sages, whose memory will always be revered, have given us a practical, and, as they hoped, a permanent constitutional compact. The Father of his country did not affix his revered name to so palpable an absurdity. Nor did the States, when they severally ratified it, do so under the impression that a veto on the laws of the United States was

reserved to them, or that they could exercise it by implication. Search the debates in all their Conventions---examine the speeches of the most zealous opposers of Federal authority---look at the amendments that were proposed. They are all silent---not a syllable uttered, not a vote given, not a motion made, to correct the explicit supremacy given to the laws of the Union over those of the States---or to show that implication, as is now contended, could defeat it. No, we have not erred! The Constitution is still the object of our reverence, the bond of our Union, our defence in danger, the source of our prosperity in peace. It shall descend, as we have received it, uncorrupted by sophistical construction, to our posterity; and the sacrifices of local interest, of State prejudices, of personal animosities, that were made to bring it into existence, will again be patriotically offered for its support.

The two remaining objections made by the Ordinance to these laws are, that the sums intended to be raised by them are greater than are required, and that the proceeds will be unconstitutionally employed. The Constitution has given expressly to Congress the right of raising revenue, and of determining the sum the public exigencies will require. The States have no control over the exercise of this right, other than that which results from the power of changing the Representatives who abuse it, and thus procure redress. Congress *may* undoubtedly abuse this discretionary power, but the same may be said of others with which they are vested. Yet the discretion must exist somewhere. The Constitution has given it to the Representatives of all the People, checked by the Representatives of the States, and by the Executive power. The South Carolina construction gives it to the Legislature or the Convention of a single State, where neither the people of the different States, nor the States in their separate capacity, nor the Chief Magistrate elected by the people, have any representation? Which is the most discreet disposition of the power? I do not ask you, fellow citizens, which is the constitutional disposition---that instrument speaks a language not to be misunderstood. But if you were assembled in general convention, which would you think the safest depository of this discretionary power in the last resort? Would you add a clause giving it to each of the States, or would you sanction the wise provisions already made by your Constitution? If this should be the result of your deliberations when providing for the future, are you---can you---be ready to risk all that we hold dear, to establish, for a temporary and local purpose, that which you must acknowledge to be destructive, and even absurd, as a general provision? Carry out the consequences of this right vested

in the different States, and you must perceive that the crisis your conduct presents at this day would recur whenever any law of the United States displeased any of the States, and that we should soon cease to be a nation.

The Ordinance, with the same knowledge of the future that characterizes a former objection, tells you that the proceeds of the tax will be unconstitutionally applied. If this could be ascertained with certainty, the objection would, with more propriety, be reserved for the law so applying the proceeds, but surely cannot be urged against the laws levying the duty.

These are the allegations contained in the Ordinance. Examine them seriously, my fellow citizens—judge for yourselves. I appeal to you to determine whether they are so clear, so convincing, as to leave no doubt of their correctness; and even if you should come to this conclusion, how far they justify the reckless, destructive course, which you are directed to pursue. Review these objections, and the conclusions drawn from them, once more. What are they? Every law, then, for raising revenue, according to the South Carolina Ordinance, may be rightfully annulled unless it be so framed as no law ever will or can be framed. Congress have a right to pass laws for raising revenue, and each State has a right to oppose their execution—two rights directly opposed to each other; and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the States and the General Government, by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose.

In vain have these sages declared that Congress shall have power to lay and collect taxes, duties, imposts, and excises—in vain have they provided that they shall have power to pass laws which shall be necessary and proper to carry those powers into execution; that those laws and that Constitution shall be the “supreme law of the land; and that the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.” In vain have the people of the several States solemnly sanctioned these provisions, made them their paramount law, and individually sworn to support them whenever they were called on to execute any office. Vain provisions! ineffectual restrictions! vile profanation of oaths! miserable mockery of legislation! If a bare majority of the voters in any one State may on a real or supposed knowledge of the intent with which a law has been passed, declare themselves free from its operation—say here it gives too little, there too much, and operates unequally—here it

suffers articles to be free that ought to be taxed, there it taxes those that ought to be free—in this case the proceeds are intended to be applied to purposes which we do not approve, in that the amount raised is more than is wanted. Congress, it is true, are invested by the Constitution with the right of deciding these questions according to their sound discretion. Congress is composed of the Representatives of all the States and of all the people of all the States; but we, part of the people of one State, to whom the Constitution has given no power on the subject, from whom it has expressly taken it away—we, who have solemnly agreed that this Constitution shall be our law—we most of whom have sworn to support it—we, now abrogate this law, and swear, and force others to swear, that it shall not be obeyed, and we do this, not because Congress have no right to pass such laws, this we do not allege; but because they have passed them with improper views. They are unconstitutional from the motives of those who passed them, which we can never with certainty know; from their unequal operation, although it is impossible from the nature of things that they should be equal—and from the disposition which we presume may be made of their proceeds, although that disposition has not been declared. This is the plain meaning of the Ordinance in relation to laws which it abrogates for alleged unconstitutionality. But it does not stop there. It repeals, in express terms, an important part of the Constitution itself, and of laws passed to give it effect, which have never been alleged to be unconstitutional. The Constitution declares that the judicial powers of the United States extend in cases arising under the laws of the United States, and that such laws, the Constitution, and treaties, shall be paramount to the State Constitutions and laws. The Judiciary Act prescribes the mode by which the case may be brought before a court of the United States by appeal, when a State tribunal shall decide against this provision of the Constitution. The Ordinance declares there shall be no appeal; makes the State law paramount to the Constitution and laws of the United States; forces judges and jurors to swear that they will disregard their provisions; and even makes it penal in a suitor to attempt relief by appeal. It further declares, that it shall not be lawful for the authorities of the United States, or of that State, to enforce the payment of duties imposed by the revenue laws within its limits.

Here is a law of the United States, not even pretended to be unconstitutional, repealed by the authority of a small majority of the voters of a single State. Here is a provision of the Constitution which is solemnly abrogated by the same authority.

On such expositions and reasonings, the Ordinance grounds not only an assertion of the right to annul the laws of which it complains, but to enforce it by a threat of seceding from the Union, if any attempt is made to execute them.

This right to secede is deduced from the nature of the Constitution, which, they say, is a compact between sovereign States, who have preserved their whole sovereignty and, therefore, are subject to no superior; that, because they made the compact, they can break it when, in their opinion, it has been departed from by the other States. Fallacious as this course of reasoning is, it enlists State pride, and finds advocates in the honest prejudices of those who have not studied the nature of our Government sufficiently to see the radical error on which it rests.

The People of the United States formed the Constitution, acting through the State Legislatures in making the compact, to meet and discuss its provisions, and acting in separate conventions when they ratified those provisions; but the terms used in its construction, show it to be a Government in which the people of all the States collectively are represented. We are ONE PEOPLE in the choice of the President and Vice President. Here the States have no other agency than to direct the mode in which the votes shall be given. The candidates having the majority of all the votes are chosen. The electors of a majority of States may have given their votes for one candidate, and yet another may be chosen. The People, then, and not the States, are represented in the Executive branch.

In the House of Representatives there is this difference, that the people of one State do not, as in the case of President and Vice President, all vote for the same officers. The people of all the States do not vote for all the members, each State electing only its own representatives. But this creates no material distinction. When chosen, they are all representatives of the United States, not representatives of the particular State from which they come. They are paid by the United States, not by the State; nor are they accountable to it for any act done in the performance of their legislative functions: and however they may in practice, as it is their duty to do, consult and prefer the interests of their particular constituents when they come in conflict with any other partial or local interests, yet it is their first and highest duty, as representatives of the United States, to promote the general good.

The Constitution of the United States, then, forms a *Government*, not a league; and whether it be formed by compact between the States, or in any other manner, its character is the same. It is a Government in which all the people are

represented, which operates directly on the people individually, not upon the States; they retained all the power they did not grant. But each State having expressly parted with so many powers as to constitute jointly with the other States a single nation, cannot from that period possess any right to secede, because such secession does not break a league, but destroys the unity of a nation; and any injury to that unity is not only a breach, which would result from the contravention of a compact, but it is an offence against the whole Union. To say that any State may at pleasure secede from the Union, is to say that the United States are not a nation; because it would be a solecism to contend that any part of a nation might dissolve its connexion with the other parts, to their injury or ruin, without committing any offence. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms; and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.

Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it: but it is precisely because it is a compact that they cannot. A compact is an agreement or binding obligation. It may, by its terms, have a sanction or penalty for its breach, or it may not. If it contains no sanction, it may be broken with no other consequence than moral guilt: if it have a sanction, then the breach incurs the designated or implied penalty. A league between independent nations, generally, has no sanction other than a moral one; or, if it should contain a penalty, as there is no common superior, it cannot be enforced. A Government, on the contrary, always has a sanction, express or implied; and, in our case, it is both necessarily implied and expressly given. An attempt by force of arms to destroy a Government, is an offence, by whatever means the constitutional compact may have been formed; and such Government has the right, by the law of self-defence, to pass acts for punishing the offender, unless that right is modified, restrained, or resumed, by the constitutional act.--In our system, although it is modified in the case of treason, yet authority is expressly given to pass all laws necessary to carry its powers into effect, and under this grant provision has been made for punishing acts which obstruct the due administration of the laws.

It would seem superfluous to add any thing to show the nature of that Union which connects us; but as erroneous opinions on this subject are the foundation of doctrines the most destructive to our peace, I must give some farther de-

velopment to my views on this subject. No one, fellow citizens, has a higher reverence for the reserved rights of the States, than the Magistrate who now addresses you. No one would make greater personal sacrifices, or official exertions, to defend them from violation ; but equal care must be taken to prevent on their part an improper interference with, or resumption of, the rights they have vested in the nation. The line has not been so distinctly drawn as to avoid doubts in some cases of the exercise of power. Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution : but there are others on which dispassionate reflection can leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the States, and on their having formed in this sovereign capacity a compact which is called the Constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated.

The States severally have not retained their entire sovereignty. It has been shown that in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties—declare war—levy taxes—exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The States, then, for all these important purposes, were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the Government of the United States—they became American citizens, and owed obedience to the Constitution of the United States, and to the laws made in conformity with the powers it vested in Congress. This last position has not been, and cannot be denied. How then can that State be said to be sovereign and independent, whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws, when they come in conflict with those passed by another ? What shows conclusively that the States cannot be said to have reserved an undivided sovereignty, is, that they expressly ceded the right to punish treason—not treason against their separate power—but treason against the United States. Treason is an offence against *sovereignty*, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred, because they have for their common interest made the General Government the depository of these powers. The unity of our political character (as has been shown for another purpose) commenced with its very existence. Under the Royal Government we had no separate character—our opposition to

its oppression began as United Colonies. We were the United States under the confederation, and the name was perpetuated, and the Union rendered more perfect, by the Federal Constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defence. How, then, with all these proofs, that under all changes of our position we had, for designated purposes and with defined powers, created National Governments—how is it, that the most perfect of those several modes of union should now be considered as a mere league, that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our Constitution was only a league; but, it is laboured to prove it a compact, (which in one sense it is) and then to argue that as a league is a compact, every compact between nations must of course be a league, and from such an engagement every sovereign power has a right to recede. But it has been shown, that in this sense the States are not sovereign, and that even if they were, and the National Constitution had been formed by compact, there would be no right in any one State to exonerate itself from its obligations.

So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the States who magnanimously surrendered their title to the Territories of the West, recall the grant? Will the inhabitants of the inland States agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf, for their own benefits? Shall there be a free port in one State, and onerous duties in another? No one believes that any right exists in a single State to involve all the others in these and countless other evils, contrary to the engagements solemnly made. Every one must see that the other States, in self-defence, must oppose at all hazards.

These are the alternatives that are presented by the Convention—A repeal of all the acts for raising revenue, leaving the Government without the means of support; or an acquiescence in the dissolution of our Union by the secession of one of its members. When the first was proposed, it was known that it could not be listened to for a moment. It was known if force was applied to oppose the execution of the laws, that it must be repelled by force—that Congress could not, without involving itself in disgrace, and the country in

ruin, accede to the proposition ; and yet, if this is not done in a given day, or if any attempt is made to execute the laws, the State is, by the Ordinance, declared to be out of the Union. The majority of a Convention assembled for the purpose have dictated these terms, or rather this rejection of all terms, in the name of the people of South Carolina. It is true that the Governor of the State speaks of the submission of their grievances to a Convention of all the States ; which, he says, they "sincerely and anxiously seek and desire." Yet this obvious and constitutional mode of obtaining the sense of the other States on the construction of the federal compact, and amending it, if necessary, has never been attempted by those who have urged the State on to this destructive measure. The State might have proposed the call for a General Convention to the other States ; and Congress, if a sufficient number of them concurred, must have called it. But the first Magistrate of South Carolina, when he expressed a hope that, "on a review by Congress and the functionaries of the General Government of the merits of the controversy," such a Convention will be accorded to them, must have known that neither Congress nor any functionary of the General Government has authority to call such a Convention, unless it be demanded by two thirds of the States. This suggestion, then, is another instance of the reckless inattention to the provisions of the Constitution with which this crisis has been madly hurried on, or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the Legislature of South Carolina "anxiously desire" a General Convention to consider their complaints, why have they not made application for it in the way the Constitution points out ? The assertion that they "earnestly seek" it is completely negated by the omission.

This, then, is the position in which we stand. A small majority of the citizens of one State in the Union have elected delegates to a State Convention : that Convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The Governor of the State has recommended to the Legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearances to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended, and it is the intent of this instrument to PROCLAIM, not only that the duty imposed on me by the Constitution, "to take care that the laws be faithfully executed," shall be performed to the extent of the powers already invested in me by law, or of such others as the wisdom of Congress

shall devise, and entrust to me for the purpose ; but to warn the citizens of South Carolina, who have been deluded into an opposition to the laws, of the danger they incur by obedience to the illegal and disorganizing Ordinance of the Convention—to exhort those who have refused to support it to persevere in their determination to uphold the Constitution and laws of their country, and to point out to all, the perilous situation into which the good people of that State have been led—and that the course that they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support.

Fellow citizens of my native State!—let me not only admonish you, as the first Magistrate of our common country, not to incur the penalties of its laws, but use the influence that a Father would over his children whom he saw rushing to a certain ruin. In that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves, or wish to deceive you. Mark under what pretences you have been led on to the brink of insurrection and treason, on which you stand ! First a diminution of the value of your staple commodity, lowered by over production in other quarters, and the consequent diminution in the value of your lands, were the sole effect of the Tariff laws. The effect of those laws are confessedly injurious, but the evil was greatly exaggerated by the unfounded theory you were taught to believe, that its burthens were in proportion to your exports, not to your consumption of imported articles. Your pride was roused by the assertion that a submission to those laws was a state of vassalage, and that resistance to them was equal, in patriotic merit, to the opposition our fathers offered to the oppressive laws of Great Britain. You were told that this opposition might be peaceably—might be constitutionally made—that you might enjoy all the advantages of the Union, and bear none of its burthens.

Eloquent appeals to your passions, to your state pride, to your native courage, to your sense of real injury, were used to prepare you for the period when the mask which concealed the hideous features of DISUNION should be taken off. It fell, and you were made to look with complacency on objects which, not long since, you would have regarded with horror. Look back at the arts which have brought you to this state,—look forward to the consequences to which it must inevitably lead ! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you, that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive ; it was added, that the right to nullify a law rested on the same principle, but that it was a peaceable

remedy ! This character which was given to it, made you receive, with too much confidence, the assertions that were made of the unconstitutionality of the law, and its oppressive effects. Mark, my fellow citizens, that by the admission of your leaders, the unconstitutionality must be *palpable*, or it will not justify either resistance or nullification ! What is the meaning of the word *palpable*, in the sense in which it is here used ? that which is apparent to every one ; that which no man of ordinary intellect will fail to perceive. Is the unconstitutionality of these laws of that description ? Let those among your leaders who once approved and advocated the principle of protective duties, answer the question ; and let them choose whether they will be considered as incapable, then, of perceiving that which must have been apparent to every man of common understanding, or as imposing upon your confidence, and endeavouring to mislead you now. In either case, they are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty, emulating the fame of our revolutionary fathers ; nor are you an oppressed people, contending, as they repeat to you, against worse than colonial vassalage. You are free members of a flourishing and happy Union. There is no settled design to oppress you. You have indeed felt the unequal operation of laws which may have been unwisely, not unconstitutionally passed ; but that inequality must necessarily be removed. At the very moment when you were madly urged on to the unfortunate course you have begun, a change in public opinion had commenced. The nearly approaching payment of the public debt, and the consequent necessity of a diminution of duties, had already produced a considerable reduction, and that too on some articles of general consumption in your state. The importance of this change was underrated, and you were authoritatively told, that no farther alleviation of your burthens was to be expected, at the very time when the condition of the country imperiously demanded such a modification of the duties as should reduce them to a just and equitable scale. But, as if apprehensive of the effect of this change in allaying your discontents, you were precipitated into the fearful state in which you now find yourselves.

I have urged you to look back to the means that were used to hurry you on to the position you have now assumed, and forward to the consequences it will produce. Something more is necessary. Contemplate the condition of that country of which you still form an important part ! Consider its government uniting in one bond of common interest and

general protection so many different States, giving to all their inhabitants the proud title of AMERICAN CITIZENS, protecting their commerce, securing their literature and the arts, facilitating their intercommunication, defending their frontiers, and making their name respected in the remotest parts of the earth ! Consider the extent of its territory, its increasing and happy population, its advance in arts, which render life agreeable, and the sciences which elevate the mind ! See education spreading the lights of religion, morality, and general information, into every cottage in this wide extent of our Territories and States ! Behold it as the asylum where the wretched and the oppressed find a refuge and support ! Look on this picture of happiness and honour, and say—we, TOO, ARE CITIZENS OF AMERICA : Carolina is one of these proud States : her arms have defended, her best blood has cemented this happy Union ! And then add, if you can, without horror and remorse, this happy Union we will dissolve—this picture of peace and prosperity we will deface—this free intercourse we will interrupt—these fertile fields we will deluge with blood—the protection of that glorious flag we renounce—the very name of Americans we discard—And for what, mistaken men !—for what do you throw away these inestimable blessings—for what would you exchange your share in the advantages and honour of the Union ? For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbours, and a vile dependence on a foreign power. If your leaders could succeed in establishing a separation, what would be your situation ? Are you united at home—are you free from the apprehension of civil discord, with all its fearful consequences ? Do our neighbouring republics, every day suffering some new revolution, or contending with some new insurrection—do they excite your envy ? But the dictates of a high duty oblige me solemnly to announce that you cannot succeed.

The laws of the United States must be executed. I have no discretionary power on the subject—my duty is emphatically pronounced in the Constitution. Those who told you that you might peaceably prevent their execution, deceived you ; they could not have been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion ; but be not deceived by names ; disunion by armed force is TREASON. Are you really ready to incur its guilt ? If you are, on the heads of the instigators of the act be the dreadful consequences—on their heads be the dishonour, but on yours may fall the punishment—on your unhappy State will inevitably fall all the evils of the conflict you force upon the Government of your coun-

try. It cannot accede to the mad project of disunion of which you would be the first victims—its first Magistrate cannot, if he would, avoid the performance of his duty—the consequence must be fearful for you, distressing to your fellow citizens here, and to the friends of good government throughout the world. Its enemies have beheld our prosperity; with a vexation they could not conceal—it was a standing refutation of their slavish doctrines, and they will point to our discord with a triumph of malignant joy. It is yet in your power to disappoint them. There is yet time to show that the descendants of the Pinckneys, the Sumpters, the Rutledges, and of the thousand other names which adorn the pages of your revolutionary history, will not abandon that Union, to support which, so many of them fought, and bled, and died. I adjure you, as you honour their memory—as you love the cause of freedom, to which they dedicated their lives—as you prize the peace of your country, the lives of its best citizens, and your own fair fame, to retrace your steps. Snatch from the archives of your State the disorganizing edict of its Convention—bid its members to re-assemble and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honour—tell them that compared to disunion, all other evils are light, because that brings with it an accumulation of all—declare that you will never take the field unless the star spangled banner of your country shall float over you: that you will not be stigmatized when dead, and dishonoured and scorned, while you live, as the authors of the first attack on the Constitution of your country!—Its destroyers you cannot be. You may disturb its peace—you may interrupt the course of its prosperity—you may cloud its reputation for stability—but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred, and remain an eternal blot on the memory of those who caused the disorder.

Fellow Citizens of the United States! The threat of unhallowed disunion—the names of those once respected, by whom it is uttered—the array of military force to support it—denote the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments, may depend. The conjunction demanded a free, a full, and explicit enunciation, not only of my intentions, but of my principles of action; and as the claim was asserted of a right by a State to annul the laws of the Union, and even to secede from it at pleasure, a frank exposition of my opinions in relation to the origin and form of our government, and the construction I give to the instrument by which it was created, seemed to be

proper. Having the fullest confidence in the justness of the legal and constitutional opinion of my duties which has been expressed, I rely with equal confidence on your undivided support in my determination to execute the laws—to preserve the Union by all constitutional means—to arrest, if possible, by moderate but firm measures, the necessity of a recourse to force ; and, if it be the will of heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States.

Fellow Citizens ! The momentous case is before you. On your undivided support of your government depends the decision of the great question it involves, whether your sacred Union will be preserved, and the blessing it secures to us as one People shall be perpetuated. No one can doubt that the unanimity with which that decision will be expressed, will be such as to inspire new confidence in republican institutions, and that the prudence, the wisdom, and the courage which it will bring to their defence, will transmit them unimpaired and invigorated to our children.

May the Great Ruler of Nations grant that the signal blessings with which he has favoured ours, may not, by the madness of party or personal ambition, be disregarded and lost : and may His wise Providence bring those who have produced this crisis to see the folly, before they feel the misery of civil strife : and inspire a returning veneration for that Union which, if we may dare to penetrate His designs, he has chosen as the only means of attaining the high destinies to which we may reasonably aspire.

In testimony whereof, I have caused the Seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington, this 10th day of December, in the year of our Lord one thousand eight hundred and thirty-two, and of the Independence of the United States the fifty-seventh.

ANDREW JACKSON.

By the President :

EDW. LIVINGSTON,
Secretary of State.

Transfer of the Treasury Funds.

The following document, relating to a transfer of the funds of our government from the Bank of the United States, to the several State Banks, was first published in the Washington Globe, September 23d, 1833. The importance of this paper to the physical and moral interests of our citizens, is too obvious to require an apology for its insertion in these Memoirs. Indeed, the editor would justly incur censure, should he withhold any information within his reach, on a subject of such vast magnitude.

The decision of the President is founded on a "Report of the Government Directors of the Bank of the United States, relative to the Printing Expenses of that institution." The Report accompanied the paper from the President, and most certainly justifies the stand which he has taken. Sustained, as the Report is, by H. D. Gilpin, John T. Sullivan, Peter Wager, and Hugh McElderry, we repeat, that in our judgment, the Executive was fully justified in the measures which he has adopted.

It may be proper here to state, that Mr. Duane, Secretary of the Treasury, dissenting from the views of the President, very properly resigned, but, as is stated, without a breach of friendship or confidence between him and the President. His dissent, however, might arise from causes unconnected with any doubt as to the truth of the Report of the Government Directors. His place is said to have been immediately filled by Mr. Taney, late Attorney General.

Admitting all which may be urged against the President's decision in this case, that his hostility to the Bank has been embittered by the opposition of that institution to his re-election, still is the wisdom of the measure more than justified by the Report to which we have referred. But the question is reduced to a single point:—If the resolutions noted in the Report passed the Board—if such sums of money were squandered for *such purposes*—no intelligent, no honest man, will for a moment halt between two opinions, on the course which the President was bound to pursue.

UNITED STATES BANK.

Paper read to the Cabinet, September 18, 1833.

Having carefully and anxiously considered all the facts and arguments, which have been submitted to him relative to a removal of the public deposits from the Bank of the United States, the President deems it his duty to communicate in this manner to his Cabinet, the final conclusions of his own mind, and the reasons on which they are founded, in order to put them in a durable form; and to prevent misconceptions.

The President's convictions of the dangerous tendencies of the Bank of the United States, since signally illustrated by its own acts, were so overpowering when he entered upon the duties of Chief Magistrate, that he felt it his duty, notwithstanding the objections of the friends by whom he was surrounded, to avail himself of the first occasion to call the attention of Congress and the people to the question of its re-charter. The opinions expressed in his Annual Message of December, 1829, were reiterated in those of December, 1830, and 1831, and in that of 1830 he threw out, for consideration, some suggestions in relation to a substitute. At the session of 1831-2, an act was passed by a majority of both houses of Congress, re-chartering the present Bank, upon which the President felt it his duty to put his constitutional veto. In his message, returning that act, he repeated and enlarged upon the principles and views briefly asserted in his Annual Messages, declaring the Bank to be, in his opinion, both inexpedient and unconstitutional, and announcing to his countrymen, very unequivocally, his firm determination never to sanction, by his approval, the continuance of that institution, or the establishment of any other upon similar principles.

There are strong reasons for believing that the motive of the Bank in asking for a re-charter at that session of congress, was to make it a leading question in the election of a president of the United States the ensuing November, and all steps deemed necessary were taken to procure from the people a reversal of the president's decision.

Although the charter was approaching its termination, and the Bank was aware that it was the intention of the government to use the public deposit as fast as it accrued, in the payment of the public debt, yet did it extend its loans from January, 1831, to May, 1832, from \$42,402,304 24 to \$70,428,070 72, being an increase of \$28,025,766 48, in sixteen months. It is confidently believed, that the leading object of this immense extension of its loans, was to bring as large a portion of the people as possible under its power and influence: and

it has been disclosed, that some of the largest sums were granted on very unusual terms to conductors of the public press. In some of these cases, the motive was made manifest by the nominal or insufficient security taken for the loans, by the large amounts discounted, by the extraordinary time allowed for payment, and especially by the subsequent conduct of those receiving the accommodations.

Having taken these preliminary steps to obtain control over public opinion, the Bank came into congress and asked a new charter. The object avowed by many of the advocates of the Bank, was to *put the president to the test*, that the country might know his final determination relative to the Bank, prior to the ensuing election. Many documents and articles were printed and circulated at the expense of the Bank, to bring the people to a favourable decision upon its pretensions. Those whom the Bank appears to have made its debtors for the special occasion, were warned of the ruin which awaited them, should the president be sustained ; and attempts were made to alarm the whole people by painting the depression in the price of property and produce, and the general loss, inconvenience, and distress, which it was represented, would immediately follow the re-election of the president in opposition to the Bank.

Can it now be said that the question of a re-charter of the Bank was not decided at the election which ensued? Had the veto been equivocal, or had it not covered the whole ground—if it had merely taken exceptions to the details of the Bill, or to the time of its passage—if it had not met the whole ground of constitutionality and expediency, then there might have been some plausibility for the allegation that the question was not decided by the people. It was to compel the president to take his stand that the question was brought forward at that particular time. He met the challenge, willingly took the position into which his adversaries sought to force him, and frankly declared his unalterable opposition to the Bank, as being both unconstitutional and inexpedient. On that ground the case was argued to the people, and now the people have sustained the president, notwithstanding the array of influence and power which was brought to bear upon him, it is too late, he confidently thinks, to say that the question has not been decided. Whatever may be the opinion of others, the president considers his re-election as a decision of the people against the Bank. In the concluding paragraph of his veto message, he said :—

“I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy ; if not, I shall find in the motives which impel me, ample grounds for contentment and peace.”

He was sustained by a just people, and he desires to evince his gratitude by carrying into effect their decision, so far as it depends upon him.

Of all the substitutes for the present Bank which have been suggested, none seems to have united any considerable portion of the public in its favour. Most of them are liable to the same constitutional objections for which the present Bank has been condemned, and, perhaps, to all there are strong objections on the score of expediency. In ridding the country of an irresponsible power which has attempted to control the government, care must be taken not to unite the same power with the executive branch. To give a president the control over the currency and the power over individuals now possessed by the Bank of the United States, even with the material difference that he is responsible to the people, would be as objectionable and as dangerous as to leave it as it is. Neither the one nor the other is necessary, and therefore ought not to be resorted to.

On the whole, the president considers it as conclusively settled that the charter of the Bank of the United States will not be renewed, and he has no reasonable ground to believe that any substitute will be established. Being bound to regulate his course by the laws as they exist, and not to anticipate the interference of the legislative power for the purpose of framing new systems, it is proper for him seasonably to consider the means by which the services rendered by the Bank of the United States are to be performed after its charter shall expire.

The existing laws declare, that "the deposits of the money of the United States, in places in which the said Bank and branches thereof may be established, shall be made in said bank and branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct, in which case the Secretary of the Treasury shall immediately lay before congress, if in session, and if not, immediately after the commencement of the next session, the reason of such order or direction."

The power of the Secretary of the Treasury over the deposits, is *unqualified*. The provision that he shall report his reasons to congress, is no limitation. Had it not been inserted, he would have been responsible to congress, had he made a removal for any other than good reasons, and his responsibility now ceases, upon the rendition of sufficient ones to congress. The only object of the provision, is to make his reasons accessible to congress, and enable that body more readily to judge of their soundness and purity, and thereupon to make such farther provision by law as the legislative power may think proper in relation to the deposit

of the public money. Those reasons may be very diversified. It was asserted by the Secretary of the Treasury without contradiction, as early as 1817, that he had power "to control the proceedings" of the Bank of the United States at any moment, "by changing the deposits to the State Banks," should it pursue an illiberal course towards those institutions; that "the Secretary of the Treasury will always be disposed to support the credit of the State Banks, and will invariably direct transfers from the deposits of the public money in aid of their legitimate exertions to maintain their credit;" and he asserted a right to employ the State Banks, when the Bank of the United States should refuse to receive on deposit the notes of such State Banks as the public interest required should be received in payment of the public dues. In several instances, he did transfer the public deposits to State Banks, in the immediate vicinity of branches, for reasons connected only with the safety of those banks, the public convenience, and the interests of the Treasury.

If it was lawful for Mr. Crawford, the Secretary of the Treasury at that time, to act on these principles, it will be difficult to discover any sound reasons against the application of similar principles in still stronger cases. And it is a matter of surprise that a power which, in the infancy of the Bank, was freely asserted as one of the ordinary and familiar duties of the Secretary of the Treasury, should now be gravely questioned, and attempts made to excite and alarm the public mind, as if some new and unheard of power was about to be usurped by the Executive branch of the Government.

It is but a little more than two and a half years to the termination of the charter of the present Bank. It is considered as the decision of the country that it shall then cease to exist, and no man, the President believes, has reasonable ground for expectation that any other Bank of the United States will be created by Congress. To the Treasury Department is intrusted the safe keeping and faithful application of the public money. A plan of collection different from the present, must therefore be introduced and put in complete operation before the dissolution of the present Bank. When shall it be commenced? Shall no step be taken in this essential concern until the charter expires, and the Treasury finds itself without an agent, its accounts in confusion, with no depository for its funds, and the whole business of the Government deranged? or shall it be delayed until six months, or a year, or two years, before the expiration of the charter? It is obvious that any new system which may be substituted in the place of the Bank of the United States, could not suddenly be carried into effect on

the termination of its existence, without serious inconvenience to the Government and the people. Its vast amount of notes are then to be redeemed and withdrawn from circulation, and its immense debt collected. These operations must be gradual, otherwise much suffering and distress will be brought upon the community. It ought to be not a work of months only, but of years, and the President thinks it cannot, with due attention to the interests of the people, be longer postponed. It is safer to begin it too soon than to delay it too long.

It is for the wisdom of Congress to decide upon the best substitute to be adopted in the place of the Bank of the United States; and the President would have felt himself relieved from a heavy and painful responsibility, if, in the charter of the Bank, Congress had reserved to itself the power of directing, at its pleasure, the public money to be elsewhere deposited, and had not devolved that power exclusively on one of the Executive Departments. It is useless now to inquire why this high and important power was surrendered by those who are peculiarly and appropriately the guardians of the public money. Perhaps it was an oversight. But as the President presumes that the charter of the Bank is to be considered as a contract on the part of the Government, it is not now in the power of Congress to disregard its stipulations; and by the terms of that contract the public money is to be deposited in the Bank, during the continuance of its charter, unless the Secretary of the Treasury shall otherwise direct. Unless, therefore, the Secretary of the Treasury first acts, Congress have no power over the subject, for they cannot add a new clause to the charter, or strike one out of it, without the consent of the Bank; and consequently, the public money must remain in that institution to the last hour of its existence, unless the Secretary of the Treasury shall remove it at an earlier day. The responsibility is thus thrown upon the Executive branch of the Government, of deciding how long before the expiration of the charter, the public interest will require the deposits to be placed elsewhere. And although, according to the frame and principle of our government, this decision would seem more properly to belong to the legislative power, yet as the law has imposed it upon the Executive Department, the duty ought to be faithfully and firmly met, and the decision made and executed upon the best lights that can be obtained, and the best judgment that can be formed. It would ill become the Executive branch of the Government to shrink from any duty which the law imposes on it, to fix upon others the responsibility which justly belongs to itself. And while the President anxiously wishes to abstain from the exercise of doubtful powers, and

to avoid all interference with the rights and duties of others, he must yet, with unshaken constancy, discharge his own obligations; and cannot allow himself to turn aside, in order to avoid any responsibility which the high trust with which he has been honoured requires him to encounter; and it being the duty of one of the Executive Departments to decide in the first instance, subject to the future action of the legislative power, whether the public deposits shall remain in the Bank of the United States until the end of its existence, or be withdrawn some time before, the President has felt himself bound to examine the question carefully and deliberately, in order to make up his judgment on the subject; and in his opinion the near approach of the termination of the charter, and the public considerations heretofore mentioned, are of themselves amply sufficient to justify the removal of the deposits, without reference to the conduct of the Bank, or their safety in its keeping.

But in the conduct of the Bank may be found other reasons very imperative in their character, and which require prompt action. Developments have been made from time to time of its faithlessness as a public agent, its misapplication of public funds, its interference in elections, its efforts, by the machinery of committees, to deprive the Government Directors of a full knowledge of its concerns, and, above all, its flagrant misconduct as recently and unexpectedly disclosed in placing all the funds of the Bank, including the money of the Government, at the disposition of the President of the Bank, as means of operating upon public opinion and procuring a new charter, without requiring him to render a voucher for their disbursement. A brief recapitulation of the facts which justify these charges, and which have come to the knowledge of the public and the President, will, he thinks, remove every doubt as to the course which it is now the duty of the President to pursue.

We have seen that in sixteen months, ending in May, 1832, the Bank had extended its loans more than \$28,000,000, although it knew the Government intended to appropriate most of its large deposits during that year in payment of the public debt. It was in May, 1832, that its loans arrived at the maximum, and in the preceding March, so sensible was the Bank that it would not be able to pay over the public deposits when it would be required by the Government, that it commenced a secret negotiation without the knowledge of the Government, with the agents, for about \$2,700,000 of the three per cent. stocks held in Holland, with a view to induce them not to come forward for payment for one or more years after notice should be given by the Treasury Department. This arrangement would have enabled the Bank to

keep and use, during that time, the public money set apart for the payment of these stocks.

After this negotiation had commenced, the Secretary of the Treasury informed the Bank, that it was his intention to pay off one half of the three per cents on the first of the succeeding July, which amounted to about \$6,500,000. The President of the Bank, although the committee of investigation was then looking into its affairs at Philadelphia, came immediately to Washington, and upon representing that the Bank was desirous of accommodating the importing merchants at New York, (which it failed to do,) and undertaking to pay the interest itself, procured the consent of the Secretary, after consultation with the President, to postpone the payment until the succeeding first of October.

Conscious that at the end of that quarter the Bank would not be able to pay over the deposits, and that further indulgence was not to be expected of the Government, an agent was despatched to England secretly to negotiate with the holders of the public debt in Europe, and induce them, by the offer of an equal or higher interest than that paid by the Government, to hold back their claims for one year, during which the Bank expected thus to retain the use of \$5,000,000 of public money, which the Government should set apart for the payment of that debt. The agent made an arrangement on terms, in part, which were in direct violation of the charter of the Bank, and when some incidents connected with this secret negotiation accidentally came to the knowledge of the public and the Government, then, and not before, so much of it as was palpably in violation of the charter was disavowed! A modification of the rest was attempted, with the view of getting the certificates without payment of the money, and thus absolving the Government from its liability to the holders. In this scheme the Bank was partially successful, but to this day the certificates of a portion of these stocks have not been paid, and the Bank retains the use of the money.

This effort to thwart the Government in the payment of the public debt, that it might retain the public money to be used for their private interests, palliated by pretences notoriously unfounded and insincere, would have justified the instant withdrawal of the public deposits. The negotiation itself rendered doubtful the ability of the Bank to meet the demands of the Treasury, and the misrepresentations by which it was attempted to be justified, proved that no reliance could be placed upon its allegations.

If the question of a removal of the deposits presented itself to the Executive in the same attitude that it appeared before the house of representatives at their last session, their

resolution in relation to the safety of the deposits would be entitled to more weight, although the decision of the question of removal has been confided by law to another department of the Government. But the question now occurs, attended by other circumstances and new disclosures of the most serious import. It is true that in the message of the President, which produced this inquiry and resolution on the part of the House of Representatives, it was his object to obtain the aid of that body in making a thorough examination into the conduct and condition of the bank and its branches, in order to enable the Executive Department to decide whether the public money was longer safe in its hands. The limited power of the Secretary of the Treasury over the subject, disabled him from making the investigation as fully and satisfactorily as it could be done by a committee of the House of Representatives, and hence the President desired the assistance of Congress to obtain for the Treasury Department a full knowledge of all the facts which were necessary to guide his judgment. But it was not his purpose, as the language of his message will show, to ask the Representatives of the people to assume a responsibility which did not belong to them, and relieve the Executive branch of the Government from the duty which the law had imposed upon it. It is due to the President that his object in that proceeding should be distinctly understood, and that he should acquit himself of all suspicion of seeking to escape from the performance of his own duties, or of desiring to interpose another body between himself and the people, in order to avoid a measure which he is called upon to meet. But although, as an act of justice to himself, he disclaims any design of soliciting the opinion of the House of Representatives in relation to his own duties, in order to shelter himself from responsibility under the sanction of their counsel, yet he is at all times ready to listen to the suggestions of the representatives of the people, whether given voluntarily or upon solicitation, and to consider them with the profound respect to which all will admit that they are justly entitled. Whatever may be the consequences, however, to himself, he must finally form his own judgment where the constitution and the law makes it his duty to decide, and must act accordingly; and he is bound to suppose that such a course on his part will never be regarded by that elevated body as a mark of disrespect to itself; but that they will, on the contrary, esteem it the strongest evidence he can give of his fixed resolution conscientiously to discharge his duty to them and the country.

A new state of things has, however, arisen since the close of the last session of Congress, and evidence has since been laid before the President, which he is persuaded would have

led the House of Representatives to a different conclusion, if it had come to their knowledge. The fact that the Bank controls, and in some cases substantially *owns*, and by its money *supports* some of the leading presses of the country, is now more clearly established. Editors to whom it loaned extravagant sums in 1831 and 1832, on unusual time and nominal security, have since turned out to be insolvent, and to others apparently in no better condition accommodations still more extravagant, on terms more unusual and sometimes without any security, have also been heedlessly granted.

The allegation which has so often circulated through these channels, that the Treasury was bankrupt, and the Bank was sustaining it, when, for many years, there has not been less, on an average, than six millions of public money in that institution, might be passed over as a harmless misrepresentation; but when it is attempted, by substantial acts, to impair the credit of the Government and tarnish the honour of the country, such charges require more serious attention. With six millions of public money in its vaults, after having had the use of from five to twelve millions for nine years, without interest, it became the purchaser of a bill drawn by our government on that of France for about 900,000 dollars, being the first instalment of the French indemnity. The purchase money was left in the use of the bank, being simply added to the Treasury deposits. The bank sold the bill in England, and the holder sent it to France for collection, and arrangements not having been made by the French government for its payment, it was taken up by the agents of the bank in Paris, with the funds of the bank in their hands. Under these circumstances, it has, through its organs, openly assailed the credit of the government; and has actually made, and persists in a demand of fifteen per cent., or \$158,842 77 as damages, when no damage, or none beyond some trifling expense, has in fact been sustained, and when the bank had in its own possession, on deposit, several millions of the public money, which it was then using for its own profit. Is a fiscal agent to the government, which thus seeks to enrich itself at the expense of the public, worthy of farther trust?

There are other important facts not in the contemplation of the House of Representatives, or not known to the members, at the time they voted for the resolution.

Although the charter and the rules of the bank both declare that "not less than seven directors" shall be necessary to the transaction of business, yet the most important business, even that of granting discounts to any extent, is intrusted to a committee of five members, who do not report to the board.

To cut off all means of communication with the govern-

ment in relation to its most important acts, at the commencement of the present year not one of the government directors was placed on any one committee. And although, since, by an unusual remodelling of those bodies, some of those directors have been placed on some of the committees, they are yet entirely excluded from the committee of exchange, through which the greatest and most objectionable loans have been made.

When the government directors made an effort to bring back the business of the bank to the board, in obedience to the charter and the existing regulations, the board not only overruled their attempt, but altered the rule so as to make it conform to the practice, in direct violation of one of the most important provisions of the charter which gave them existence.

It has long been known that the President of the bank, by his single will, originates and executes many of the most important measures connected with the management and credit of the bank, and that the committee, as well as the board of directors, are left in entire ignorance of many acts done and correspondence carried on, in their names, and apparently under their authority. The fact has been recently disclosed, that an unlimited discretion has been and now is vested in the President of the bank, to expend its funds in payment for preparing and circulating articles and purchasing pamphlets and newspapers, calculated by their contents to operate on the elections and secure a renewal of its charter. It appears from the official report of the public directors, that on the 30th of November, 1830, the President submitted to the board an article published in the *American Quarterly Review*, containing favourable notices of the bank, and suggested the expediency of giving it a wider circulation at the expense of the bank; whereupon the board passed the following resolution, viz.:

Resolved, That the President be authorized to take such measures in regard to the circulation of the contents of the said article, either in whole or in part, as he may deem most for the interest of the bank."

By an entry in the minutes of the bank, dated March 11th, 1831, it appears that the President had not only caused a large edition of that article to be issued, but had also, before the resolution of the 30th of November was adopted, procured to be printed and widely circulated, numerous copies of the Reports of General Smith and Mr. McDuffie in favour of the bank, and on that day he suggested the expediency of extending his power to the printing of other articles which might subserve the purposes of the institution. Whereupon the following resolution was adopted, viz.:

“Resolved, That the President is hereby authorized to cause to be prepared and circulated, such documents and papers as may communicate to the people information in regard to the nature and operations of the bank.”

The expenditures purporting to have been made under the authority of these resolutions, during the year 1831 and 1832, were about \$80,000. For a portion of these expenditures vouchers were rendered, from which it appears that they were incurred in the purchase of some hundred thousand copies of newspapers, reports and speeches made in Congress, reviews of the veto message, and reviews of speeches against the bank, &c. For another large portion no vouchers whatever were rendered, but the various sums were paid on orders of the President of the bank, making reference to the resolution of the 11th of March, 1831.

On ascertaining these facts, and perceiving that expenditures of a similar character were still continued, the government directors, a few weeks ago, offered a resolution in the board, calling for a specific account of these expenditures, showing the objects to which they had been applied, and the persons to whom the money had been paid. This reasonable proposition was voted down.

They also offered a resolution rescinding the resolutions of November, 1830, and March, 1831. This also was rejected.

Not content with thus refusing to recall the obnoxious power, and even to require such an account of the expenditure as would show whether the money of the bank had in fact been applied to the objects contemplated by those resolutions, as obnoxious as they were, the board renewed the power already conferred, and even enjoined renewed attention to its exercise, by adopting the following in lieu of the proposition submitted by the government directors, viz. :

“Resolved, That the board have confidence in the wisdom and integrity of the President, and in the propriety of the resolutions of the 30th of November, 1830, and 11th of March, 1831, and entertain a full conviction of the necessity of a renewed attention to the object of those resolutions, and that the President be authorized and requested to continue his exertions for the promotion of said object.”

Taken in connexion with the nature of the expenditures heretofore made, as recently disclosed, which the board not only tolerate, but approve, this resolution puts the funds of the bank at the disposition of the President for the purpose of employing the whole press of the country in the service of the bank, to hire writers and newspapers, and to pay out such sums as he pleases, to what persons and for what services he pleases, without the responsibility of rendering any specific account. The bank is thus converted into a vast electioneer-

ing engine, with means to embroil the country in deadly feuds, and under cover of expenditures, in themselves improper, extend its corruption through all the ramifications of society.

Some of the items for which accounts have been rendered show the construction which has been given to the resolutions, and the way in which the power they confer has been exerted. The money has not been expended merely in the publication and distribution of speeches, reports of committees, or articles written for the purpose of showing the constitutionality or usefulness of the bank; but publications have been prepared and extensively circulated, containing the grossest invectives against the officers of the government, and the money which belongs to the stockholders and to the public has been freely applied in efforts to degrade, in public estimation, those who were supposed to be instrumental in resisting the wishes of this grasping and dangerous institution. As the President of the bank has not been required to settle his accounts, no one but himself yet knows how much more than the sum already mentioned may have been squandered, and for which a credit may hereafter be claimed in his account under this most extraordinary resolution. With these facts before us, can we be surprised at the torrent of abuse incessantly poured out against all who are supposed to stand in the way of the cupidity or ambition of the bank of the United States? Can we be surprised at sudden and unexpected changes of opinion in favour of an institution which has millions to lavish, and avows its determination not to spare its means, when they are necessary to accomplish its purposes? The refusal to render an account of the manner in which a part of the money expended has been applied, gives just cause for the suspicion that it has been used for purposes which it is not deemed prudent to expose to the eyes of an intelligent and virtuous people. Those who act justly do not shun the light, nor do they refuse explanations when the propriety of their conduct is brought into question.

With these facts before him, in an official report from the government directors, the President would feel that he was not only responsible for all the abuses and corruptions the bank has committed, or may commit, but almost an accomplice in a conspiracy against that government which he has sworn honestly to administer, if he did not take every step within his constitutional and legal power likely to be efficient in putting an end to these enormities. If it be possible, within the scope of human affairs, to find a reason for removing the government deposits, and leaving the bank to its own resources for the means of effecting its criminal designs, we have it here. Was it expected, when the money of the

United States was directed to be placed in that bank, that it would be put under the control of one man, empowered to spend millions without rendering a voucher or specifying the object? Can they be considered safe, with the evidence before us, that tens of thousands have been spent for highly improper, if not corrupt purposes, and that the same motives may lead to the expenditure of hundreds of thousands, and even millions more? And can we justify ourselves to the people by longer lending to it the money and power of the government, to be employed for such purposes?

It has been alleged by some, as an objection to the removal of the deposits, that the bank has the power, and in that event will have the disposition, to destroy the state banks employed by the government, and bring distress upon the country. It has been the fortune of the President to encounter dangers which were represented as equally alarming, and he has seen them vanish before resolution and energy. Pictures equally appalling were paraded before him when this bank came to demand a new charter. But what was the result? Has the country been ruined, or even distressed? Was it ever more prosperous than since that act? The President verily believes the bank has not the power to produce the calamities its friends threaten. The funds of the government will not be annihilated by being transferred. They will immediately be issued for the benefit of trade, and if the bank of the United States curtails its loans, the state banks, strengthened by the public deposits, will extend theirs. What comes in through one bank, will go out through others; and the equilibrium will be preserved. Should the bank, for the mere purpose of producing distress, press its debtors more heavily than some of them can bear, the consequences will recoil upon itself, and in the attempt to embarrass the country, it will only bring loss and ruin upon the holders of its own stock. But if the President believed the bank possessed all the power which has been attributed to it, his determination would only be rendered the more inflexible. If, indeed, this corporation now holds in its hands the happiness and prosperity of the American people, it is high time to take the alarm. If the despotism be already upon us, and our only safety is in the mercy of the despot, recent developments in relation to his designs, and the means he employs, show how necessary it is to shake it off. The struggle can never come with less distress to the people, or under more favourable auspices, than at the present moment.

All doubt as to the willingness of the state banks to undertake the service of the government, to the same extent, and on the same terms, as it is now performed by the bank of the United States, is put to rest by the report of the agent recently

employed to collect information ; and from that willingness, their own safety in the operation may be confidently inferred. Knowing their own resources better than they can be known by others, it is not to be supposed that they would be willing to place themselves in a situation which they cannot occupy without danger of annihilation or embarrassment. The only consideration applies to the safety of the public funds, if deposited in these institutions. And when it is seen that the directors of many of them are not only willing to pledge the character and capital of the corporation in giving success to this measure, but also their own property and reputation, we cannot doubt that they, at least, believe the public deposits would be safe in their management. The President thinks that these facts and circumstances afford as strong a guarantee as can be had in human affairs, for the safety of the public funds, and the practicability of a new system of collection and disbursement through the agency of the state banks.

From all these considerations, the President thinks that the state banks ought immediately to be employed in the collection and disbursement of the public revenue, and the funds now in the bank of the United States drawn out with all convenient despatch. The safety of the public money, if deposited in the state banks, must be secured beyond all reasonable doubts: but the extent and nature of the security, in addition to their capital, if any be deemed necessary, is a subject of detail to which the Treasury department will undoubtedly give its anxious attention. The banks to be employed must remit the money of the government without charge, as the bank of the United States now does ; must render all the services which that bank now performs ; must keep the government advised of their situation by periodical returns ; in fine, in any arrangement with the state banks, the government must not, in any respect, be placed on a worse footing than it now is. The President is happy to perceive by the report of the agent, that the banks which he has consulted have, in general, consented to perform the service on these terms, and that those in New-York have further agreed to make payments in London, without other charge than the mere cost of the bills of exchange.

It should also be enjoined on any banks which may be employed, that it will be expected of them to facilitate domestic exchanges for the benefit of internal commerce ; to grant all reasonable facilities to the payers of the revenue ; to exercise the utmost liberality towards the other state banks ; and do nothing uselessly to embarrass the bank of the United States.

As one of the most serious objections to the bank of the United States is the power which it concentrates, care must

be taken, in finding other agents for the service of the Treasury, not to raise up another power equally formidable. Although it would probably be impossible to produce such a result by any organization of the state banks which could be devised, yet it is desirable to avoid even the appearance. To this end, it would be expedient to assume no more power over them, and interfere no more in their affairs, than might be absolutely necessary to the security of the public deposits, and the faithful performance of their duties as agents of the Treasury. Any interference by them in the political contests of the country, with a view to influence elections, ought, in the opinion of the President, to be followed by an immediate discharge from the public service.

It is the desire of the President that the control of the banks and the currency shall as far as possible be entirely separated from the political power of the country, as well as wrested from an institution which has already attempted to subject the government to its will. In his opinion, the action of the general government on this subject, ought not to extend beyond the grant in the constitution, which only authorizes Congress "to coin money and regulate the value thereof;" all else belongs to the states and the people, and must be regulated by public opinion, and the interests of trade.

In conclusion, the President must be permitted to remark, that he looks upon the pending question as of higher consideration than the mere transfer of a sum of money from one bank to another. Its decision may affect the character of our government for ages to come. Should the bank be suffered longer to use the public money, in the accomplishment of its purposes, with the proofs of its faithlessness and corruption before our eyes, the patriotic among our citizens will despair of success in struggling against its power, and we shall be responsible for entailing it upon our country for ever. Viewing it as a question of transcendent importance, both in the principles and consequences it involves, the President could not in justice to the responsibility which he owes to the country, refrain from pressing on the Secretary of the Treasury his view of the considerations which impel to immediate action. Upon him has been devolved by the constitution and the suffrages of the American people, the duty of superintending the operation of the Executive Departments of the government, and seeing that the laws are faithfully executed. In the performance of this high trust, it is his undoubted right to express to those whom the laws and his own choice have made his associates in the administration of the government, his opinion of their duties under circumstances as they arise. It is this right which he now exercises. Far be it from him to expect or require that any

member of the cabinet should, at his request, order, or dictation, do any act which he believes unlawful, or in his conscience condemns. From them, and from his fellow citizens in general, he desires only that aid and support which their reason approves, and their conscience sanctions.

In the remarks that he has made on this all-important question, he trusts the Secretary of the Treasury will see only the frank and respectful declarations of the opinions which the President has formed on a measure of great national interest, deeply affecting the character and usefulness of his administration; and not a spirit of dictation, which the President would be as careful to avoid, as ready to resist. Happy will he be, if the facts now disclosed produce uniformity of opinion, and unity of action, among the members of the administration.

The President again repeats, that he begs his cabinet to consider the proposed measures as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise, without which all will unite in saying that the blood and treasure expended by our forefathers in the establishment of our happy system of government, will have been vain and fruitless. Under these convictions, he feels that a measure so important to the American people cannot be commenced too soon; and he therefore names the first day of October next as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the state banks can be made.

ANDREW JACKSON.

An opinion has been already given on the above document. That opinion is not changed by after and more mature consideration;—but, this occurrence may give rise to the inquiry, whether the Secretary of the Treasury is, in all cases, the absolute dictator of the measures which shall be pursued, so far as the safety of the funds is concerned. As a member of the cabinet, he is, or *may* be, a mere cipher, an instrument to be used by the Executive, for the gratification of his caprice, or for sinister purposes. The document speaks for itself;—the whole that is known, is before a public capable of pronouncing a righteous decision.

Perhaps three pages can hardly be filled to better purpose, than by extracts from the Veto Message, comprising some of its more prominent facts and arguments.

"The present corporate body, denominated the President, Directors, and Company of the Bank of the United States, will have existed, at the time this act is intended to take effect, twenty years. It enjoys an exclusive privilege of banking under the authority of the General Government, a monopoly of its favour and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges, and favours bestowed upon it, in the original charter, by increasing the value of the stock far above its par value, operated as a gratuity of many millions to the stockholders.

"An apology may be found for the failure to guard against this result, in consideration that the effect of the original act of incorporation could not be certainly foreseen at the time of its passage. The act before me proposes another gratuity to the holders of the same stock, and, in many cases, to the same men, of at least seven millions more. This donation finds no apology in any uncertainty as to the effect of the act. On all hands it is conceded that its passage will increase, at least twenty or thirty per cent. more, the market price of the stock, subject to the payment of the annuity of \$200,000 per year, secured by the act; thus adding, in a moment, one fourth to its par value. It is not our own citizens only who are to receive the bounty of our government. More than eight millions of the stock of this bank are held by foreigners. By this act the American republic proposes virtually to make them a present of some millions of dollars. For these gratuities to foreigners, and to some of our own opulent citizens, the act secures no equivalent whatever. They are the certain gains of the present stockholders under the operation of this act, after making full allowance for the payment of the bonus.

"Every monopoly, and all exclusive privileges, are granted at the expense of the public, which ought to receive a fair equivalent. The many millions which this

act proposes to bestow on the stockholders of the existing Bank, must come, directly or indirectly, out of the earnings of the American people. It is due to them, therefore, if their government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained. The twenty-eight millions of stock would probably be at an advance of fifty per cent., and command in market at least forty-two millions of dollars, subject to the payment of the present bonus. The present value of the monopoly, therefore, is seventeen millions of dollars, and this the act proposes to sell for three millions, payable in fifteen annual instalments of \$200,000 each."

"But this act does not permit competition in the purchase of this monopoly. It seems to be predicated on the erroneous idea, that the present stockholders have a prescriptive right, not only to the favour, but to the bounty of government. It appears that more than a fourth part of the stock is held by foreigners, and the residue is held by a few hundred of our own citizens; chiefly of the richest class: for their benefit does this act exclude the whole American people from competition in the purchase of this monopoly, and dispose of it for many millions less than it is worth. This seems the less excusable, because some of our citizens, not now stockholders, petitioned that the door of competition might be opened, and offer to take a charter on terms much more favourable to the government and country.

"But this proposition, although made by men whose aggregate wealth is believed to be equal to all the private stock in the existing Bank, has been set aside, and the bounty of our government is proposed to be again bestowed on the few who have been fortunate enough to secure the stock, and, at this moment, wield the power of the existing institution. I cannot perceive the justice or policy of this course. If our government must sell monopolies, it would seem to be its duty to take nothing less than their full value; and if gratuities must be made once in fifteen or twenty years, let them not be bestowed on the subjects

of a foreign government, nor upon a designated and favoured class of men in our own country. It is but justice and good policy, as far as the nature of the case will admit, to confine our favours to our own fellow citizens, and let each in his turn enjoy an opportunity to profit by our bounty."

"If a State Bank in Philadelphia, owe the Bank of the United States, and have notes issued by the St. Louis Branch, it can pay the debt with those notes; but if a merchant, mechanic, or other private citizen, be in like circumstances, he cannot by law pay his debt with those notes, but must sell them at a discount, or send them to St. Louis to be cashed. This boon, conceded to the State Banks, though not unjust in itself, is most odious, because it does not measure out equal justice to the high and low, the rich and the poor. To the extent of its practical effect, it is a bond of union among the banking establishments of the nation, erecting them into an interest, separate from that of the people, and its necessary tendency is to unite the Bank of the United States and the State Banks in any measure which may be thought conducive to their common interest."

Tour of the President, in 1833.

THE travels of national executives, whether in Monarchical Europe, or Republican America, excite much attention, furnishing the subject matter of many columns in the public papers, and food for much private gossip. The sayings and doings of bodies corporate and incorporate—the bills of expense—the replies to loyal and pompous addresses—the various travels, parades, and “moving accidents,” serve to gratify curiosity, and “kill time,” that ever vigilant enemy to the idle and thoughtless. That a tour of *observation* might, if properly conducted, be a source of much real benefit to our country, is freely admitted; but that a race against time, through crowds of soldiers, citizens, and bevvies of females, can answer any valuable national purpose, is entirely beyond our feeble ken.

We give below, a sketch of the travels of the President and his party, and a *more particular* detail of the events of his sojourn in New York, for obvious reasons. First, and all sufficient, we give as a reason, that six pages is all which we *can* occupy on this subject. Secondly, the substance of all the honours paid him in his route, may be gathered from these particulars, if we except the diploma constituting him L. L. D. conferred on him by the Cambridge University.

We *could* urge an objection against the increasing evil of aping the empty pageantry of eastern countries, but we leave to the good sense of our readers to gather the *moral* from the *fact*.

The whole route extended from Washington city to Concord, Massachusetts. On the 6th of June, he was received with every demonstration of respect by the constituted authorities of Baltimore, thirty-six miles from Washington. Of his reception in Philadelphia, the Pennsylvanian thus speaks :—

“Altogether, the reception of the President in this city, has been equal in enthusiasm to that of Lafayette in 1824. The feeling pervaded all classes; no coldness was manifest from

any. There seemed to be a general effort to be foremost in rendering honour to him to whom honour is due. The hostility lately manifested against him and his patriotic efforts, has melted away like frost before the sun, and the people have proved, that although gratitude may have slumbered, it is not dead; that although they were temporarily misled, they are not to be kept from the right path."

The following account is copied from a daily paper, published in New York :—

RECEPTION OF THE PRESIDENT.

THE DAY.

Never, within our recollection, have we experienced more beautiful weather than yesterday. The previous rain had laid the dust, and the streets through which the procession was to pass, being swept, and in the best possible order, every thing conspired to facilitate the previous arrangements. The wind blew a gentle breeze, sufficient for the various craft under way to work lively, and the temperature was neither too hot nor too cold for comfort.

THE SHIPPING.

At sunrise the flags were displayed from the forests of masts that crowd our wharves: and from every liberty pole, the principal hotels, and flag staffs, the American flag was seen waving. A number of vessels in the stream were beautifully dressed with the flags of all nations.

PREPARATIONS.

The city appeared alive, from sunrise to sunset. The military were all under arms at 10 A. M., parading the streets; crowds followed, and every thing had the appearance of a gala day. At noon, business was wholly suspended; mechanics, artisans, and labourers, all left their work. The Exchange and Wall street, was nearly deserted, and a large concourse were seen moving to the great centre, Broadway. The Battery, and Broadway to the Park, with all the wharves, vessels, tops and windows of houses, appeared black with the population of the city. Every carriage, cart, stage, wagon, and other vehicle, appeared to have got into Broadway, both sides of which were lined to such a degree, that it appeared impossible to move. In the centre of the street a small line was kept open for the procession to pass.

PROGRESS.

The President with his escort reached Trenton at 10 o'clock; crowds of inhabitants flocked to see him: he then,

accompanied by his suite, proceeded to Amboy, where the splendid Steamboat North America was in waiting to receive him. The Committee of the Corporation had accompanied the President from Philadelphia, but until he embarked on board the North America, he did not put himself under their charge. Here the various Committees received him, and they took their departure for New York, taking the outside passage down the Bay, and up through the Narrows. The Vice President, the city authorities, the foreign consuls to our port, and many distinguished citizens, embarked in the North America, to welcome the President on his arrival in this State.

The Telegraph from the lower station announced from time to time their progress.

The Steamboats Ohio, Rufus King, and Hercules, filled with passengers, got under way at the same time, and accompanied the North America to Amboy and back to the city.

APPROACH TO THE CITY.

As soon as the fleet of Steamboats and water craft passed the Narrows, they were in full view from the city. The North America, elegantly dressed with flags from stem to stern, led the van. The Ohio, dressed in the same manner, followed next, then a number of other Steamboats, Revenue Cutters, Pilot Boats, and a great number of small craft, all approached the city with a brisk breeze, and a favorable tide. As they passed the Narrows, Bedlow's and Governor's Islands, the salutes commenced. The two Dutch ships in the stream paid a similar compliment, and the President approached the city amid the roar of artillery. The scene was one of great beauty and splendour, and not surpassed in several years, except by the landing of General Lafayette.

THE LANDING.

At four o'clock precisely the Steamboat North America was placed alongside Castle Garden, and the General landed. He was accompanied by Governor Cass, Mr. Woodbury, Mr. McLean, Major Donaldson, and Colonel Earl. Castle Garden was well filled to receive him; the battery, windows, houses, trees, wharves, and vessels, appeared a dense population. He was conducted by the delegated authorities to the Grand Saloon in the Garden, which had been tastefully and appropriately fitted up for the occasion. Shortly after, he appeared on the piazza in front, accompanied by the Mayor of the city. Here the acclamations of those present rent the air, whilst the President, by bowing and gestures, acknow-

ledged his sense of the enthusiasm which his presence excited.

The different military corps were stationed on the Battery ; they mustered in such number, that the people, who claim the Battery as theirs by a kind of pre-emptive right, were almost excluded from it, or cramped up in so small a space, that they had but a poor opportunity to witness the arrival of the President. The approaches to Castle Garden were completely closed, and hundreds of citizens and their families prevented obtaining admission there.

About half an hour expired before the President left the Garden.

THE ACCIDENT.

When it was announced that the President had landed, some of the military on the Battery made a movement, by which the citizens who had assembled to witness his arrival, became completely wedged up—their escape was impossible, and for them to remain, intolerable. A large number, therefore, for relief, took shelter in front of the entrance to Castle Garden Bridge, which had previously been kept comparatively free ; and there they remained, until orders were given to clear the entrance, by opening to the right and left, for the purpose of affording an egress to the President and his suite. This was done in such a manner, that a number of persons, who had no other means of avoiding the cavalry to whom the duty was assigned, clambered up on the top of the ticket offices, which were slight erections, covering the end of the Castle Garden Bridge, contiguous to the Battery. Upon the appearance of the President on the bridge leading from the Castle, attended by his suite and a considerable number of citizens, the rush from without was such, that, with the accumulated weight of the whole, the string pieces extending from the fifth abutment of the bridge to the Battery wall gave way, precipitating those on the top of these slightly framed offices, upon the persons collected below. At this time the President had passed safe, though not more than his horse's length. Those in the rear were not so fortunate ; the end of the string pieces of the bridge slipping from the Battery wall, this entire part fell into the river, and with it a number of individuals. The water not being deep, in consequence of the filling up with stone to protect the wall from the effects of the current, none were in danger of being drowned, yet many were thrown into the water ; and several, though not severely, were materially injured.

Among those who fell with the bridge, were Gov. Cass, Major Donaldson, and Colonel Earl. How it happened that no lives were lost, and no more injuries incurred, it is very

difficult to imagine. We have heard of several remarkable escapes. When the bridge fell, two of our informants had a full view of the scene, at the moment of the accident. The tickel boxes seemed to be torn or crushed in, and the people who were on the tops, as well as those within, were precipitated into the river. One of the keepers had the singular presence of mind, on hearing the crashing of timber, to seize his money drawer, which he saved, although he fell with the mass, got wet, and was involved with the crowd in the common dangers. One gentleman was saved from no less imminent danger. He had taken his stand at the gateway, to see the procession pass, and was leaning against one of the gate posts when the bridge fell. The gate, which is of iron, and must be of great weight, falling over, carried him with it into the water, bruising his shoulder slightly, but doing him no further injury. He was sensible of nothing further, until he found himself middle deep in water.

REVIEW.

The troops, under the command of Major-General Morton, were more numerous, and made a better military appearance, than we have ever before seen. They were drawn up in line on the battery, and the President reviewed them on horseback. He appeared to catch much of the military ardour of the occasion, and went through the whole with apparent ease and pleasure.

MARCH THROUGH THE CITY.

This was the most unpleasant part of the whole duty. There was such a dense body of human flesh, that it seemed impossible to get through it. Broadway, from the Battery to the City Hall, was lined on both sides with carts, wagons, carriages, and stages, all filled with persons; the sidewalks, balconies, steps, doors, and a large portion of the main street, was packed with men, women, and children; every window, housetop, fence and tree, was filled; and in fact, so dense was the population, that it was with the greatest difficulty that the President, surrounded as he was by a guard of horsemen, could make any progress.

As he left the battery, and proceeded up slowly through Broadway, followed by all the military, there appeared to be a crowd of some two or three thousand who were determined to keep up with him, and who, to accomplish their object, paid no respect to age or sex, but rushed through the crowd like a torrent. The President rode uncovered, and as he passed, was constantly cheered by all classes. The ladies, generally, waved their white handkerchiefs, and the President

constantly bowed on both sides. When the military reached St. Paul's, Broadway above was packed with horses, carts, &c. &c.; not even force could clear a passage, and the procession took the right, up Chatham Row, and entered the Park opposite Tammany Hall.

CEREMONY AT THE HALL.

On reaching the front of the City Hall, the Park and whole avenue, containing acres, was filled by a dense mass of people, all anxious to catch a glimpse of the President, who was stationed in front of the Hall, and the whole military passed him in review; he repaired to the Balcony, where full fifty thousand persons had a view, although distant, of his person, which appeared to be the tallest on the balcony. He then repaired to the American Hotel, where splendid apartments were provided for his reception. From his apartments, there he again repeatedly greeted the surrounding crowd, and until night closed, was cheered by the huzzas of the people. In the evening, the theatres and other places of public amusement were brilliantly illuminated, and adorned with appropriate transparencies.

On the 14th, the President left New York in a steamer, for Bridgeport, Connecticut, sixty-three miles distant. After receiving the usual honours, he visited New Haven, Hartford, Middletown, and other places of some note on his way to Boston, at which place he arrived on the 21st. Here, we need not add, he received a suitable and gratifying welcome.

His ill health was the probable cause of a speedy return to Washington, where he arrived in the beginning of July.

Black Hawk, his son, and the Prophet, captives retained as hostages by the United States, since the war with the Sacs and Foxes, in 1832, proceeded on the same route travelled by the President, as far as New York, whence they were conducted by way of Albany and Detroit, to their place of destination.

Soon after the return of the President to Washington, the state of his health rendered a journey to the Rip-Raps advisable. He went, and, his health being restored, he returned to the seat of government, and now, "Richard's himself again."



RICHARD MENTOR JOHNSON.

WHEN the memoirs of a benefactor to his country appear before the public, curiosity is excited relative to his birth and connexions, and the various circumstances of his early life, which have given a tone to his character, or an impulse to his conduct. This curiosity, though often ill defined, is laudable, and ought to be gratified. Its gratification frequently tends to that examination into the connexion between causes and effects, which is essentially requisite in the important inquiry, What is man?

The subject of the present memoir was placed in circumstances peculiarly favourable to the development of those traits of character, and that line of conduct, which have made him the favourite, not merely of his own state, but of the Union.

His father, Col. Robert Johnson, a native of Virginia, had emigrated to that part of the state, which now forms Kentucky, during the revolutionary struggle. Exposed, as this portion of country then was, to the incursions of the aborigines, such was his known courage, discretion, and valorous conduct, that he was frequently found in the most conspicuous situations, jeopardizing his life for the safety of his country. His commanding influence, the effect of just principles and unshrinking integrity, was duly appreciated by his fellow citizens, who repeatedly returned him a member of the state legislature. When Kentucky was admitted into the union, he was a member of the convention which framed the constitution, and assisted in the revisal of that instrument. These, and several other offices, all emanating from the people, he filled with that honour which ensured him the thanks of a grateful public.

Under the tuition of such a father, and equally taught by precept and example, much might rationally be expected, and expectation has not been disappointed. He now occupies the station of candidate for the presidential chair, an office which his whole life vouches that he is fully ca-

pable of filling with honour to himself and to the nation. He had an elder brother, Colonel James Johnson, of whom the most honourable mention has been made, as Lieutenant-Colonel of the mounted volunteers, whom we shall again have occasion to notice.

The subject of this memoir was born in Kentucky, in the latter part of the year 1781. The rudiments of an education he received at a country school. But, having resolved to qualify himself for one of the learned professions, at fifteen years of age, he entered a grammar school, and afterwards joined the Transylvania University, at Lexington, where he acquired a sufficiency of classical and scientific lore, to fit him, with his untiring industry, for the profession of the law. In this study he commenced his career under the teaching of the celebrated counsellor, Colonel Nicholas, of whose services he was soon deprived by death. He then placed himself under the pupilage of the Honourable James Brown, distinguished no less for his eloquence, than for his suavity of manners, legal acquirements, and gentlemanly conduct. With this gentleman he closed his studies, fitted for practice in the profession he had chosen.

He was now less than twenty years old, and though labouring under disadvantages as to the time and opportunities for a strictly classical education, his natural strength of mind, industry, and perseverance, overcame every impediment, and his incipient success excelled the warmest expectations of his most strenuous admirers.

But if his brilliant attainments gained him partisans and admirers, the amiable and generous traits of character, proceeding from a benevolent heart, secured him the affection of friends, and the gratitude of the enlightened and virtuous members of society. In a newly settled country, the conflicting claims to landed titles, often expose to embarrassment, and sometimes to ruin, the honest and the industrious settlers. As a friend to the poor, the industrious, he could not, he would not witness in silence, injustice and oppression. Without inquiring the prospect of a recompense, he plead the cause of the poor against the exactions of the rich and unprincipled, and hence

gained, without attempting it, the esteem, the well merited approbation, of the most worthy citizens of the community of which he was a member.

To the study of law, he added that of political economy, and the details of a free government, which early introduced him into life as a legislator. He was elected to the legislature by the citizens of Scott county, and gave perfect satisfaction to his constituents in his representative character. After serving in this capacity two years, he was elected to act a more conspicuous part, in the councils of the nation. The time was one of highly excited feelings; and the debates in which he engaged, and his manner of conducting them, evinced the greatness of his mind, and his firm attachment to principle. By distinguishing *measures* from *men*—by retaining the most honourable self-respect, and proffering the hand of friendship to the noble-minded of both parties, he gained their confidence, and cemented their friendship.

During the first term of his service, he was made chairman of the committee of claims. While acting in this capacity, a case came before the committee which gave full scope to his patriotic feelings, and his conduct clearly evinced how much his sentiments were exalted above the mere grovelling of party spirit. It is well known that General Alexander Hamilton received no emolument for his services during the revolutionary struggle. His sudden death left the amiable and accomplished widow, and several children, with very inadequate means of support. She presented a claim to congress for a partial act of justice. Colonel Johnson rendered an able report, favourable to the petitioner, which he advocated in a most able and feeling speech. This adds much to the honour of his name, as the General was the heart and soul of the federal party, then ranged among the antagonists of Colonel Johnson.

When congress met in the autumn of 1811, he was a member. In the succeeding summer, war was declared by the United States against Great Britain. This event opened to his active mind new scenes of usefulness. Naturally dauntless, having been early trained to toils and

dangers, his mind was disciplined to endure hardships, and meet perils. Believing, however, that courage may be as useful in the cabinet as in the field, and knowing that to assume a military command under the United States, would be the virtual resignation of his seat in congress, he determined to act only in the capacity of a volunteer.

The session of congress closed soon after the declaration of war, and our hero returned to Kentucky. He saw the clouds rising which portended evil to the country. General Hull, after invading Canada, planting the American standard at Sandwich, and publishing a flaming proclamation, exhibited strong marks of indecision and imbecility. His needless delays, and temporizing expedients, lost him the confidence of his army. Under these evil omens, Colonel Johnson could ill brook his feelings, and he determined to repair to the scene of danger, with the number of volunteers which he could induce to join him. Governor Shelby, of Kentucky, called a council of war, to deliberate on the measures to be taken in this eventful crisis, of which the colonel was a member. His services were tendered to General Harrison, as aid, with the privilege of raising a regiment of mounted volunteers. Colonel Johnson made an immediate call on the patriotic citizens of Kentucky, and soon a large battalion enlisted under his banner. The corps was organized under three separate commands. One to be under the command of his brother, Colonel James Johnson, already mentioned; another under Major John Arnold, and a third under Captain Charles Ward; all distinguished no less for their bravery, than for their skill in the mode of Indian warfare, a most important requisite in the contemplated expedition. The mutual confidence which existed between the men and the officers they had chosen, made them what they were called, a Spartan band, a host of invincibles, which augured truly the anticipated result.

The volunteers marched in time to reach St. Mary's, the head-quarters of the North-Western army, on the 8th of September, while the army was on the eve of marching to the relief of Fort Wayne, then threatened by a large

body of savages. The fears for the fate of General Hull's army, were now realized, who had surrendered Detroit to the British. Mackinaw and Chicago had both been abandoned by the American troops. After a fatiguing march to Fort Wayne and Elkhart, they returned to St. Mary's on the last of September, under the command of Colonel Johnson. This force was now increased by another battalion of mounted volunteers, commanded by Major Rosier. General Winchester was at Fort Defiance with the advance army, and threatened with an attack by a large force of British and savages, and the corps under Colonel Johnson was under marching orders for his speedy relief. Fort Wayne was already besieged by a superior force, and in approaching it, Colonel Johnson detailed a command, which was entrusted to Major Suggett, intended to reach the fort, and prevent the garrison from surrendering. This party met an equal number of the enemy, killed an Indian chief, and gave the greatest impulse to the courage of our troops, who were ardent for battle. The opportunity did not offer, and after a campaign of nearly two months, the Colonel returned home, in order to be in his place at Washington.

Notwithstanding but little service of use to the nation had occurred during the past campaign, it was not without its benefits. A spirit of military discipline had been engendered, and the rudiments of military tactics had taken deep root. General Armstrong, then Secretary at War, authorized Colonel Johnson to organize, and hold in readiness, one thousand mounted volunteers, the officers of which were to bear commission under the state authority.

When congress adjourned, which was in March, 1813, he prepared to put the plan he had matured while in congress into execution. His military skill and general popularity were favourable to the project he had undertaken. The regiment was soon organized ; and just at this epoch, Governor Shelby received information that Colonel Dudley had been defeated near Fort Meigs, on the Miami of the Lakes, and that the fort was besieged by a large force of British and Indians. It was determined that Colonel

Johnson should march to the relief of the fort, and for the defence of the frontier of Ohio. The Colonel immediately set out on the expedition, and by forced marches, soon drew near, in anticipation of a bloody contest. The colonel drew up, and harangued his men, in a strain well calculated to inspire them with resolution for the onset. The speech was received with acclamations, which echoed the sentiments of the commander. They encamped opposite to the fort that night, but no enemy could be seen.

About this time Colonel Johnson was placed in an awkward dilemma. An extra session of congress had been called, and as a representative, he was called to his post at Washington, while circumstances of peculiar interest to his feelings induced him to continue in the field. Our arms in the north and west had not been merely unsuccessful, but disgraced. He wished to retrieve the character of the army. He felt that he *could* not resign his seat in congress, and he *would* not leave his station as the commander of a corps he was leading to victory. He did neither, but marched on his way to Detroit.

After the successful defence of Fort Stephenson, Governor Shelby repaired to the scenes of warfare with four thousand mounted Kentuckians, to reinforce General Harrison in the Michigan Territory. Governor Shelby's division arrived at the head-quarters of the North-Western army on the 17th of September, 1813, shortly after Perry's victory.

On the 30th of September, he arrived at Detroit, and immediately began to cross the river in boats. At this time, the British army was on its retreat up the river Thames, and Johnson's mounted regiment formed a part of the force selected to pursue it.

Early on the morning of the 3d of October, the General proceeded with Johnson's regiment, to prevent the destruction of the bridges over the different streams that fall into lake St. Clair and the Thames. These streams are deep and muddy, and are unfordable for a considerable distance into the country. A lieutenant of dragoons, and thirty privates, who had been sent back by General Proctor to destroy the bridges, were made prisoners near the mouth

of the Thames; from them the General learnt that the enemy had no information of their advance.

The baggage of the army was brought from Detroit in boats, protected by a part of Commodore Perry's squadron. In the evening the army arrived at Drake's farm, eight miles from the mouth of the Thames, and encamped. This river is a fine deep stream, navigable for vessels of considerable burthen, after the passage of the bar, at its mouth, over which there is generally seven feet water. The gun-boats could ascend as far as Dalson's, below which the country is one continued prairie, and at once favourable for cavalry movements, and for the co-operation of the gun-boats. Above Dalson's, the aspect of the country changes; the river, though still deep, is not more than seventy yards wide, and its banks high and woody.

At Chatham, four miles from Dalson's, and sixteen miles from lake St. Clair, is a small deep creek, where the army found the bridge taken up, and the enemy disposed to dispute their passage; and on the arrival of the advance guard, commenced a heavy fire from the opposite bank, as well as a flank fire from the right bank of the river. The army halted and formed in order of battle. The bridge was repaired under the cover of a fire from two six pounders. The Indians did not relish the fire from our cannon, and retired. Colonel Johnson, being on the right, had seized the remains of a bridge at M'Gregor's mills, under a heavy fire from the Indians. He lost, on this occasion, two killed and four wounded. The enemy set fire to a house near the bridge, containing a considerable quantity of muskets; the flames were extinguished and the arms saved. At the first farm above the bridge, they found one of the enemy's vessels on fire, loaded with arms and ordnance stores. Four miles higher up, the army took a position for the night. Here they found two other vessels, and a large distillery, filled with ordnance and stores, to an immense amount, in flames. Two twenty-four pounders, with their carriages, were taken, and a large quantity of balls and shells, of various sizes.

The army was put in motion early on the morning of the 5th. The General accompanied Colonel Johnson;

and Governor Shelby followed with the infantry. This morning the army captured two gun-boats and several batteaux loaded with provisions and ammunition. At nine, they reached Arnold's mills, where was a fording place, and the only one for a considerable distance. Here the army crossed to the right bank, the mounted regiment fording, and the infantry in the captured boats. The passage, though retarded for want of a sufficient number of boats, was completed by 12 o'clock.

Eight miles above the ford, they passed the ground where the British force had encamped the previous night. The General directed the advance of Colonel Johnson's regiment to accelerate their march, for the purpose of ascertaining the distance of the enemy. The officer commanding it, shortly after sent word back that his progress was stopped by the enemy, who were formed across our line of march.

The army was now within three miles of the Moravian town, and within one mile of the enemy. The road passed through a beach forest without any clearing, and for the first two miles, near to the bank of the river. At the distance of fifty rods from the river, is a swamp running parallel to it, and extending all the way to the Indian village. The intermediate ground dry, the surface level, the trees lofty and thick, with very little underwood to impede the progress of man or horse, except that part which borders on the swamp.

Across this narrow strip of land, the British force was drawn up in line to prevent the advance of the American army. Their left, resting on the river, was defended by four pieces of cannon; near the centre were two other pieces. Near the swamp, the British line was covered by a large Indian force, who also lined the margin of the swamp to a considerable distance. The British troops amounted to six hundred; the Indians probably to twelve hundred.

As it was not practicable to turn the enemy in flank, it became necessary to attack them in front. General Harrison did not long hesitate in his choice of the mode of attack. It was as novel as it was successful.

The troops at his disposal might amount to three thousand men; yet, from the peculiar nature of the ground, one half of this force could not advantageously engage the enemy.

About one hundred and fifty regulars, under Colonel Ball, occupied the narrow space between the road and river; they were ordered to advance and amuse the enemy; and if an opportunity offered, to seize his cannon. A small party of friendly Indians was directed to move under the bank. Colonel Johnson's regiment was drawn up in close column, with its right a few yards distant from the road, with orders to charge at full speed as soon as the enemy delivered his fire. The Kentucky volunteers, under Major-General Henny, were formed in the rear of the mounted regiment, in three lines extending from the road to the swamp. General Desha's division covered the left of Johnson's regiment. Governor Shelby was at the crotch, formed at the front line and General Desha's division. This was an important point. General Cass and Commodore Perry volunteered as aids to General Harrison, who placed himself at the head of the front line of infantry, to direct the movements of the cavalry, and to give them the necessary support. Such was the order of battle.

The army moved in this order till the mounted men received the fire of the enemy, at the distance of two hundred yards. The charge was beat, and in an instant one thousand horse were in motion at full speed; the right, led on by Colonel Johnson, broke through the British lines, and formed in their rear. The enemy's pieces were not loaded; their bayonets were not fixed, and they surrendered at discretion. The whole was the work of a minute. In breaking through their ranks, our men killed twelve, and wounded thirty-seven of the British regulars. The shock was unexpected. They were not prepared to resist it; some were trampled under the feet of our horses; others were cut down by the soldiers; very few were shot, for the fire was not general. Had the enemy shown the least symptoms of resistance, after their lines were broken through, the greater part would have been destroyed; but they were passive. Never was terror more strongly de-

picted on the countenances of men. Even the officers were seen with uplifted hands, exclaiming, "quarters!" There is no doubt but that they expected to be massacred, believing that the Kentuckians would retaliate the bloody scenes of Raisin and Miami.

On the left the contest was more serious; Colonel Johnson, who commanded on that flank of his regiment, received a terrible fire from the Indians, which was kept up for some time. The Colonel led the head of his column into the hottest of the enemy's fire, and was personally opposed to Tecumseh. At this point a condensed mass of savages had collected. Yet, regardless of danger, he rushed into the midst of them. So thick were the Indians, at this moment, that several might have reached him with their rifles. He rode a white horse, and was known to be an officer of rank; a shower of balls was discharged at him, some of which took effect. His horse was shot under him, and his clothes, his saddle, and his person was pierced with bullets. At the moment his horse fell, Tecumseh rushed towards him with an uplifted tomahawk, to give the fatal stroke; but his presence of mind did not forsake him in this perilous predicament; he drew a pistol from his holster, and laid his daring opponent dead at his feet. He was unable to do more, the loss of blood deprived him of strength to stand. Fortunately, at the moment of Tecumseh's fall, the enemy gave way, which secured him from the reach of their tomahawks. He received five shots—three in the right thigh, and two in the left arm. Six Americans and twenty-two Indians fell within twenty yards of the spot where Tecumseh was killed, and the trains of blood almost covered the ground.

The Indians continued a brisk fire from the margin of the swamp, which made some impression on a line of Kentucky volunteers; but Governor Shelby brought up a regiment to its support, and their fire soon became too warm for the enemy. A part of Colonel Johnson's men having gained the rear of a part of the Indian line, the rout became general. A small party of Indians attempted to gain the village by running up the narrow strip of dry land, but they were soon overtaken and cut down. The

Indians fought bravely, and sustained a severe loss in killed and wounded. The death of Tecumseh was to them an irreparable loss.*

The American army had fifteen killed, and thirty wounded.

* The celebrated aboriginal warrior, Tecumseh, was in the 44th year of his age, when he fell at the battle of the Thames. He was of the Shawannoe tribe, five feet ten inches high, well formed for activity, and the endurance of fatigue, which he was capable of sustaining in a very extraordinary degree. His carriage was erect and lofty—his motions quick—his eyes penetrating—his visage stern, with an air of hauteur in his countenance, which arose from an elevated pride of soul—it did not leave him even in death. His eloquence was nervous, concise, impressive, figurative, and sarcastic; being of a taciturn habit of speech, his words were few, but always to the purpose. His dress was plain—he was never known to indulge in gaudy decoration of his person, which is the general practice of the Indians. He wore on the day of his death, a dressed deer-skin coat and pantaloons. It is said he could read and write correctly; of this, however, it is doubtful, as he was the irreconcilable enemy to civilization, and of course would not be apt to relish the fine arts. He was in every respect a savage, the greatest, perhaps, since the days of Pontiac. His ruling maxim in war was to take no prisoners, and he strictly adhered to the sanguinary purposes of his soul—he neither gave nor accepted quarters. Yet, paradoxical as it may seem, to the prisoners made by other tribes, he was attentive and humane. Nay, in one instance, he is said to have buried his tomahawk in the head of a Chippeway chief, whom he found actively engaged in massacring some of Dudley's men, after they had been made prisoners by the British and Indians. It had long been a favourite maxim of this aspiring chief, to unite the northern, western, and southern Indians, for the purpose of regaining their country as far as the Ohio. Whether this grand idea originated in his own, or his brother's mind, or was suggested by the British, is not known; but this much is certain, he cherished the plan with enthusiasm, and actually visited the Creek Indians to prevail on them to join in the undertaking. He was always opposed to the sale of the Indian lands. In a council at Vincennes, in 1810, he was found equal to the insidious arts of a diplomatist. In one of his speeches he pronounced General Harrison a liar. He has been in almost every battle with the Americans, from the time of Harmer's defeat to that of the Thames. He has been several times wounded, and always sought the hottest of the fire. A few minutes before he received the fatal fire of Colonel Johnson, he had received a musket ball in his left arm, yet his efforts to conquer ceased only with life. When a youth, and before the treaty of Greenville, he had so often signalized himself, that he was reputed one of the boldest of the Indian warriors. In the first settlement of Kentucky, he was peculiarly active in seizing boats going down the Ohio, killing the passengers, and carrying off their property. He made frequent incursions into Kentucky, where he would invariably murder some of the settlers, and escape with several horses, laden with plunder. He always eluded pursuit, and when too closely pressed, would retire to the Wabash. His ruling passion seems to have been glory—he was careless of wealth, and although his plunderings and subsidies must have amounted to a great sum, he preserved little for himself. After his fall on the fifth of October, his person was viewed with great interest by the officers and soldiers of Harrison's army. It was some time before the identity of his person was sufficiently recognised to remove all doubts as to the certainty of his death. There was a kind of ferocious pleasure, if the expression may be allowed, in contemplating the contour of his features, which was majestic, even in death. Some of the Kentuckians disgraced themselves by committing indignities on his dead body. He was scalped, and otherwise disfigured.

General Proctor abandoned his army at the moment Johnson's regiment beat the charge, which was led by the brave Lieutenant Colonel James Johnson. He was supported in his flight by about fifty dragoons. Some of the mounted men who pursued him were, at one time, within one hundred yards of him, but were too weak to attack his guard. His carriage and papers were taken. So rapid was his retreating journey, that in twenty-four hours he found himself sixty-five miles distant from the field of contest.

After this affair, a suspension of arms took place; the Indians sued for peace, and Governor Shelby's forces were discharged.

The patience and fortitude with which Colonel Johnson endured the anguish of his wounds, and the incredible fatigues, severities, and privations of his passage from Detroit to Sandusky, and thence to Kentucky, surpassed, if possible, his courage on the field of battle. In the boisterous month of November, amid almost incessant rains—with five severe wounds which had barely begun to heal, he was conveyed from his lodgings in Detroit, to a boat but illy provided with hands, and with scarcely a covert from the chilling storms of the season.

Finally, after ninety hours of unremitted exertion, the party arrived at Fort Stephenson—at midnight.

Here the boat was abandoned—and he was placed on a litter, suspended between two horses—the rains recommenced, but the route was continued—a dreary wilderness, streams unfordable, bad roads, numerous rivers, and a distance of 300 miles, separated the party from Kentucky. Yet all these formidable impediments were overcome with inflexible perseverance, with astonishing celerity.

After spending eight or ten weeks in Kentucky, he was so far recovered from his wounds, that he repaired to the seat of government, and resumed his seat in congress. The fame of his exploits had preceded him; and he was every where received with distinguished testimonials of respect and admiration.

In August, 1814, Washington was taken by the enemy

and the public offices burnt. Congress met in September, when a proposition was made for the removal of the seat of government. This was strenuously opposed by Colonel Johnson, on the principle that we ought not to yield a triumph which the enemy never claimed. He brought forward the motion to inquire into the causes of the capture of Washington. A committee of investigation was chosen, of which he was chairman. He made a report, which is before the American public.

After peace, the question of a military peace establishment was agitated. On this question, he voted for six thousand, the smallest number named, and he was in the majority. The American people are fully convinced of the prudence of this policy.

Of all measures which were adopted by congress to provide for the fatherless and widows of those who had fallen in their country's service, he was either the projector or the firm supporter. And, we may add, that more honour redounds to the country from these acts, than from all the victories achieved by our prowess.

To Colonel Johnson, the indigent soldiers of the revolution owe much. He brought into existence the measure for their relief, and advocated that measure in a strain of eloquence warm from the heart, and it reached the heart. The money thus *paid*, he considered a debt of *gratitude*, not a waste of public money on the ill-deserving.

One, and we believe but one act of his public life, exposed him to censure. He originated the compensation law, giving \$1500 the year to members of congress, in lieu of \$6 the day. The reason of this proposition was as follows, though at the time but little understood. He had observed the snail's pace with which business had been transacted by congress, at the commencement of each session in particular, and the amount of unfinished business at each adjournment. He judged, and rightly too, that the compensation law would obviate these difficulties. It produced much excitement, and it nearly cost him his seat in congress. Respecting his next election, the following anecdote is told, which is well worthy preservation. A candidate was brought forward to oppose him. Ad-

dressing the people, Colonel Johnson observed:—"Admitting this measure to be as injurious as some represent it; if you owned a rifle which had never missed fire—if with it you had shot a hundred deer, and twenty of your country's enemies—but on one unfortunate occasion it should miss fire, would you throw it away? or would you pick the flint, and try it again?" "Stop there," interrupted a veteran warrior, "stop there—Do you admit it to be a snap?" "A snap," answered the Colonel. "Then," replied he, amidst the shouts of the people—"then we will pick the flint, and try the old rifle again." What the effect of this pithy anecdote was on the populace, is not a riddle. The *rifle*—the faint allusion to his services on the battle ground—his integrity, were triumphant pleaders. He was elected by a majority of nearly a thousand votes. At the next session of Congress he moved for a repeal of that law—it was repealed, and the excitement subsided.

During this session, Colonel Johnson resolved on retirement. His country was prosperous and happy, and her independence placed beyond the danger of subversion. He had faithfully served his constituents during twelve years in congress, and in 1819 he retired to private life, honoured by congress with a sword for his valour and conduct in the field; and happy in the confidence of constituents who had so long sustained him by their votes.

But the citizens of his state lodged a *detainer* against him, and for a while defeated his dreams of retirement. He was again elected a member of the state legislature, and that body elected him to the senate of the United States. Much as he wished, he hardly could,—he *did* not resist the will of the people who considered him their benefactor.

His efforts to abolish the worse than barbarous system of imprisonment for debt, are worthy the soundest head, the most benevolent heart. For this he has laboured faithfully and fearlessly, and the indications of success are brightening. But we shall not attempt a synopsis of his arguments. The subjoined report speaks for itself, and should be deeply impressed on the mind of every American.

The Committee, to whom was referred so much of the message of the President of the United States, as respects Imprisonment for Debt, report :

That, acting under a constitution of limited powers, delegated by the people of the several states, an act of Congress to *abolish imprisonment for debt*, can have effect only in cases belonging to the federal courts. The primary and only legitimate object of government is to secure to each individual the enjoyment of life, liberty, and the pursuit of happiness. These cannot be forfeited without crime. It is essential to the preservation of liberty, that crime should be defined, and its punishment determined by law. To protect the citizen from acts of tyranny, the constitution secures, in all cases, to the accused, the right of trial by an impartial jury. The violation of this principle is the essence of despotism. If insolvency is fraud, and if that fraud is a crime which justly deprives the insolvent of his liberty, the law should define it as such, and fix its punishment. The trial should be, like that of other crimes, by an impartial jury, in the state and district where the crime is committed ; and the punishment should be pronounced by the court, subject, as in other convictions, to the pardoning power, in the discretion of the executive. In the punishment of debtors all these sacred principles are subverted. The citizen is deprived of his liberty, without the accusation of a crime, without a criminal prosecution, and without a jury to decide upon his guilt ; and his punishment is submitted to the sole discretion of an individual creditor.

In all the catalogue of human crimes, there is none which more imperiously requires definition, than that of fraud. To punish a crime which is not well defined by law, is always more injurious to society, because of the abuse of power to which it subjects the accused, than to suffer it with impunity. Why does not the law define and punish ingratitude, a crime which is marked with universal execration ? Because of the difficulty of giving to it such a precise definition as would separate the innocent from the guilty. By omitting to punish this vice, we avoid a greater evil. So, in abolishing imprisonment for debt, absolutely and without condition or reservation, we shall avoid an evil infinitely greater than can be obviated by any restriction. Our constitution denounces privileged orders. The warning voice of history, bearing, like peals of thunder, the cries of the oppressed from ancient and modern nations, where these orders have existed, and still exist, demanded this security for the citizens of our own country. But to give to the creditor, in any case whatever, power over the body of his debtor, is a violation of this principle. It subjects the liberty of the great mass of our most

useful, because most enterprising and industrious, citizens, to the caprice, the vengeance, or forbearance, of the wealthy and the more fortunate. Why do we reprobate the act which crowded so many human beings in the black hole of Calcutta, where mortal pestilence was inhaled from the infected atmosphere? Because it was an act of cruelty; and it is the same abhorrence that elicits this popular cry, which has become almost universal against imprisonment for debt.

Yet legislators, the majority of whom have generally been of the wealthier class, or at least free from pecuniary difficulties, have so complicated the system, that it has become involved in a labyrinth of mystery; and to secure its existence they have surrounded it with such dark suspicions of fraud, that the subject can scarcely be approached without embarrassment. Thus, like all other systems of despotism, it has imposed on the minds of men, with some shadow of plausibility, the idea of necessity; till, by long habit, they have gradually become, in some degree, reconciled to the oppression. The victim is cut off from society; and because he pines in solitude, where his miseries are not seen, nor his complaints heard, his case is passed over, as an instance of individual misfortune, for which there is no remedy, and which is scarcely worthy of observation. But if all of these victims of oppression were presented to our view in one congregated mass, with all the train of wives, children, and friends, involved in the same ruin, they would exhibit a spectacle, at which humanity would shudder. It was a remark of one of the sages of antiquity, that the best government is that *where* an injury to one citizen is resented as an injury to the whole. *Here*, in our own free and happy country, many thousands of our fellow citizens are suffering annually the deepest injury. Children are deprived of their natural guardians, families of their support, and freemen of their liberty, by a remnant of barbarism, which requires nothing but the voice of legislation to blot it out for ever. From the earliest dawn of civilization, it has been a subject of the severest censure, and of the most unqualified denunciation.

But history teaches us that men, accustomed to bondage, may contract a fondness for the chains that bind them. The subjects of monarchs become attached to their aristocratic establishments; and are hardly persuaded to forego the splendours of royalty, for the simplicity of republican government. So in relation to this vestige of despotism amongst us; the most obstinate prejudices are enlisted in its favour, sustained by all the cupidity of sordid minds. The injustice and cruelty of the system are generally conceded; but the wisest heads and purest hearts have found some insurmountable difficulty in devising a remedy, which will at once eradicate

the evil, and guard against imaginary dangers, that the preservation of personal liberty must be regarded as hopeless, upon any other principle than that of the total and absolute abolition of imprisonment for debt. For ages past, the common rights of humanity have been violated upon the pretext that, in some cases, fraud may exist, and to such a degree as may justly deprive a citizen of his liberty. The committee are aware that such cases may exist; but can there be no other remedy provided than that of submitting it to the arbitrary will of the creditor, to punish at discretion the innocent and the guilty? Shall ninety-nine innocent victims of misfortune be cut off from their families and the world, that one fraudulent debtor may be punished without trial, and without proof of guilt? It is inconsistent with the whole spirit of our institutions, to urge, as arguments in favour of the system, that creditors are seldom vindictive against honest debtors; or that fraudulent debtors are more numerous than cruel creditors; or that public sentiment will correct the disposition to act with severity.

The acts are often the reverse. Creditors are often relentless. It is doubtful whether fraud is not as common on the part of the creditor, as on that of the debtor; (*and cruelty more common than either*;) and public sentiment has but little influence over an avaricious mind. The system originated in cupidity. It is a confirmation of power in the few against the many; the fortunate against the unfortunate; the Patrician against the Plebeian; and it is doubtful whether that civilized community ever existed, which would tolerate this system, if the sentiments of all could be known and faithfully represented. But we learn, from long habit, to endure, and even to advocate, what becomes most execrable to us when the fetter is broken. So long as a solitary benefit is known to result from any established custom, however oppressive or absurd in its general tendency, still there is a reluctance to change. The Spanish Inquisition, now the abhorrence of all enlightened minds, was long sustained in many countries, by the tyrant's plea of *necessity* for restraining vice; and its cruelties were long tolerated, upon the principle that some solitary benefit might result. Even in this country, and to the present day, the force of ancient prejudice is so strong that persons are found who are fearful for the interest of religion, if undefined and unprotected by legislative acts; and, in support of the principle, some instance may be cited, in which this interference may have restrained licentiousness. In the burning a thousand heretics, the world may have been delivered from one dangerous citizen. In the destruction of a thousand sorcerers, convicted of witchcraft, one knave may have perished. The benefit of clergy, which secured from

capital punishment, for petty offences, all who could read and write, while the more ignorant were doomed to death for the same crimes, may have saved *some* useful lives, when a milder and more equitable administration of justice would have saved *many*. A despot, clothed with unlimited power, governing without law, may have punished some offenders, who would have escaped under our republican institutions.

All these cruelties have been legalized ; and while bleeding humanity was sinking under the burthen of oppression, the few instances of apparent benefit sustained the whole system of tyranny ; and the world became so reconciled to the bondage, that every reformation has been effected by violence, and toil, and blood. Of a similar character is this remaining vestige of barbarity, which dooms the victim of misfortune to the culprit's destiny. It is sustained upon the same principle. In the imprisonment of a hundred debtors, one may have deserved the punishment for fraud ; and in this solitary case of just retribution, the cries of the ninety-nine innocent sufferers are unheard or unregarded. The obligation of a contract is sacred. The committee would not recommend a measure calculated to impair it. The property of the debtor is made liable for its discharge, in all well regulated societies, with such reservations as are deemed necessary by the sovereign power, such as giving immediate relief to the wife and children, together with such implements as will enable the husbandman and mechanic to pursue their useful vocations. These reservations were made in the early ages of the Grecian Republics ; and the principle has been held sacred by municipal law, by common law, by civil law. It is a regulation which the prosperity of the commonwealth requires, because industry is the life of the country.

A nation may exist without professional men, without a moneyed capital ; but it cannot exist, in a civilized state, without agriculturists and artisans. But it is of little avail to reserve their implements of labour, and imprison their persons. The state sustains a loss, the families are ruined, and the creditors are not benefited. When the effects of the debtor are exhausted, and his debts remain unliquidated, the world has been divided in sentiment as to the extent of a pecuniary obligation against the personal liberty of the debtor. In ancient Greece, the power of creditors over the persons of their debtors was absolute ; and as in all cases where despotic control is tolerated, their rapacity was boundless. They compelled the insolvent debtors to cultivate their lands like cattle, to perform the service of beasts of burthen, and to transfer to them their sons and daughters, whom they exported as slaves to foreign countries.

These acts of cruelty were tolerated in Athens during her

more barbarous state, and in perfect consonance with the character of a people, who could elevate a Draco, and bow to his mandates registered in blood. But the wisdom of Solon corrected the evil. Athens felt the benefit of the reform, and the pen of the historian has recorded the name of her lawgiver, as the benefactor of man. In ancient Rome, the condition of the unfortunate poor was still more abject. The cruelty of the Twelve Tables against insolvent debtors, should be held up as a beacon of warning to all modern nations. After judgment was obtained, thirty days of grace were allowed, before a Roman was delivered into the power of his creditor. After this period, he was retained in a private prison, with twelve ounces of rice for his daily sustenance. He might be bound with a chain of fifteen pounds weight; and his misery was three times exposed in the market place, to excite the compassion of his friends. At the expiration of sixty days, the debt was discharged by the loss of liberty or life. The insolvent debtor was either put to death, or sold in foreign slavery beyond the Tiber. But if several creditors were alike obstinate and unrelenting, they might legally dismember his body, and satiate their revenge by this horrid partition. Though the refinements of modern criticisms have endeavoured to divest this ancient cruelty of its horrors, the faithful Gibbon, who is not remarkable for his partiality to the poorer class, preferring the liberal sense of antiquity, draws this dark picture of the effect of giving the creditor power over the person of the debtor. No sooner was the Roman Empire subverted, than the delusion of Roman perfection began to vanish; and then the absurdity and cruelty of this system began to be exploded: a system which convulsed Greece and Rome, and filled the world with misery; and without one redeeming benefit, could no longer be endured; and, to the honour of humanity, for about one thousand years during the middle ages, imprisonment for debt was generally abolished. They seemed to have understood what, in more modern times, we are less ready to comprehend; that power, in any degree, over the person of the debtor, is the same in principle, varying only in degree, whether it be to imprison, to enslave, to brand, to dismember, or to divide his body. But as the lapse of time removed to a great distance the cruelties which had been suffered, the cupidity of the affluent found means again to introduce the system; but by such slow gradations, that the unsuspecting poor were scarcely conscious of the change. The history of English jurisprudence furnishes the remarkable fact, that, for many centuries, personal liberty could not be violated for debt. Property alone could be taken to satisfy a pecuniary demand. It was not until the reign of Henry III., in the thirteenth century, that the princi-

ple of imprisonment for debt was recognised in the land of our ancestors, and that was in favour of the barons alone; the nobility against their bailiffs, who had received their rents, and had appropriated them to their own use. Here was the shadow of a pretext. The great objection to the punishment was, that it was inflicted at the pleasure of the baron *without* a trial; an evil incident to aristocracies, but obnoxious to republics. The courts, under the pretext of imputed crime, or constructive violence on the part of the debtor, soon began to extend the principle, but without legislative sanction. In the eleventh year of the reign of Edward I., the immediate successor of Henry, the right of imprisoning debtors was extended to merchants—Jewish merchants excepted, on account of their heterodoxy in religion—and was exercised with great severity. This extension was an act of policy on the part of the monarch. The ascendancy obtained by the barons menaced the power of the throne; and, to counteract their influence, the merchants, a numerous and wealthy class, were selected by the monarch, and invested with the same authority over their debtors. But England was not yet prepared for the yoke. She could endure a hereditary nobility; she could tolerate a monarchy; but she could not yet resign her unfortunate sons, indiscriminately, to the prison. The barons and the merchants had gained the power over their victims; yet more than sixty years elapsed, before Parliament dared to venture another act, recognising the principle. During this period, imprisonment for debt had, in some degree, lost its novelty. The incarceration of the debtor began to make the impression, that fraud, and not misfortune, had brought on his catastrophe, and that he was, therefore, unworthy of the protection of the law, and too degraded for the society of the world. Parliament then ventured, in the reign of Edward III., in the fourteenth century, to extend the principle to two other cases; debt and detainue. This measure opened the door for impositions which were gradually introduced by judicial usurpation, and have resulted in the most cruel oppression. Parliament, for one hundred and fifty years afterwards, did not venture to outrage the sentiments of an injured and indignant people, by extending the power to ordinary creditors. But they had laid the foundation, and an irresponsible judiciary reared the superstructure. From the twenty-fourth year of the reign of Edward III., to the nineteenth of Henry VIII., the subject slumbered in Parliament. In the mean time, all the ingenuity of the court was employed, by the introduction of artificial forms and legal fictions, to extend the power of imprisonment for debt in cases not provided for by statute. The jurisdiction of the court called the King's Bench, extended to all crimes or dis-

turbances against the peace. Under this court of criminal jurisdiction, the debtor was arrested by what was called the writ of Middlesex, upon a supposed trespass or outrage against the peace and dignity of the crown. Thus, by a fictitious construction, the person who owed his neighbour was supposed to be, what every one knew him not to be, a violator of the peace, and an offender against the dignity of the crown; and while his body was held in custody for this crime, he was proceeded against in a civil action, for which he was not liable to arrest under statute. The jurisdiction of the court of common pleas, extended to civil actions arising between individuals upon private transactions. To sustain its importance upon a scale equal with that of its rival, this court also adopted its fictions, and extended its power upon artificial construction, quite as far beyond its statutory prerogative; and upon the fictitious plea of trespass, constituting a legal supposition of outrage against the peace of the kingdom, authorized the writ of *capias*, and subsequent imprisonment, in cases where a summons only was warranted by law. The court of exchequer was designed to protect the king's revenue, and had no legal jurisdiction, except in cases of debtors to the public. The ingenuity of this court found means to extend its jurisdiction to all cases of debt between individuals, upon the fictitious plea that the plaintiff, who instituted the suit, was a debtor to the king, and rendered the less able to discharge the debt by the default of the defendant. Upon this artificial pretext, that the defendant was debtor to the king's debtor, the court of exchequer, to secure the king's revenue, usurped the power of arraigning and imprisoning debtors of every description. Thus these rival courts, each ambitious to sustain its relative importance, and extend its jurisdiction, introduced, as legal facts, the most palpable fictions, and sustained the most absurd solecisms as legal syllogisms.

Where the person of the debtor was, by statute, held sacred, the courts devised the means of construing the demand of a debt into the supposition of a crime, for which he was subject to arrest on *mesne* process; and the evidence of debt, into the conviction of a crime against the peace of the kingdom, for which he was deprived of his liberty at the pleasure of the offended party. These practices of the courts obtained by regular gradation. Each act of usurpation was a precedent for similar outrages, until the system became general, and at length received the sanction of Parliament. The spirit of avarice finally gained a complete triumph over personal liberty. The sacred claims of misfortune were disregarded; and, to the iron grasp of poverty, were added, the degradation of infamy, and the misery of the dungeon.

Parliament appeared sometimes to relent, and made seve-

ral efforts to correct the abuses ; but the influence of creditors, and the power of the courts, were too formidable for Parliament itself ; and while a vestige of the system remains, the oppression will never terminate. The time was, when personal liberty in England was so highly valued, that before the institution of a suit against an individual, the plaintiff was required to give real and responsible pledges, to prosecute the suit with effect ; and if the action proved to be groundless, or malicious, he was subjected to damages. But ultimately, the courts, without the authority of statute, broke this common law barrier against oppression, and for real pledges substituted fictitious names, as *John Doe and Richard Roe* ; while, upon the mere suggestion or oath of the plaintiff, the defendant may be arrested and imprisoned, before the debt is proven ; unless he can procure bail for his appearance. Thus was the whole artifice of the learned benches of England, with all the authority of the aristocracy, employed for centuries to introduce, by the most gradual measures, imprisonment for debt, even before a people, accustomed to all the abuses of hereditary power, could be brought under its control. But when it was established, our ancestors, with the whole system of British jurisprudence, brought it with them to this new world. It has been long endured, and its miseries have been extensively felt. It is this day depriving our country of the industry of many of her citizens, and carrying distress into their numerous families. But there is evidently a spirit of reformation awakened in the public mind, and the redeeming voice of the people demands the change.

Public sentiment, like the general tendency of our laws, is in favour of the unfortunate debtor. It speaks for liberty, and gives it an estimate above the value of gold. If there is a country on earth, in which personal liberty has a claim to the protection of the law, paramount to every other claim, it is found on these western shores. But while the body, *under any circumstances*, is liable to arrest on mesne process, or after judgment is obtained, whether to coerce a surrender of property, or to punish for real insolvency, there is no security for liberty. Till the destinies of fortune shall be subject to human control, no citizen, however meritorious, is certain to close his days without being immured in the walls of a prison. If stolen goods are secreted, the oath of suspicion is necessary to procure a search-warrant ; and then the person suspected is free from arrest, till the property is found in his possession. But in case of debt, the person is liable to be arrested and to be held in custody, even under the mildest insolvent laws, till the debtor shall, on oath, make a surrender of his effects. The plea of necessary coercion furnishes a poor apology. Man, held in confinement one hour, by the

lawful authority of his fellow citizens, is degraded in the estimation of society, and is liable to lose respect for himself. The spirit of freedom, which achieved, and which still sustains our independence, is broken; and he often sinks into a state of ruinous despondency; or is urged on to acts of desperation. The only safe course is, to destroy the *capias ad satisfaciendum*, the writ which takes the body upon a judgment, and as experience may point the necessity of other measures to secure the surrender of the property, time will perfect them. The power of the state legislatures is ample, and they will not fail to provide the remedy; and the committee believe it will be most wise to leave that power with the states. Whatever may be the theory of legislation, the true character of a system is demonstrated by its effects. If it renders society more free and happy, it should be retained; but if it augments the sufferings of the community, without producing benefits which will more than countervail the evils, it ought to be abandoned. The spurious origin of this system is not the leading point on which the committee would dwell; nor even the generous sympathies which its victims excite. Its ruinous consequences to society, without benefit even to the creditor, show the necessity of its abolition.

The power of the creditor is generally exerted under feelings of irritation, and to satiate a spirit of revenge. The American citizen, who has bled for his country, or whose penury has resulted from his father's sacrifices in the cause of independence, is reduced to a condition in which he cannot meet, with punctuality, the claims against him. What is the consequence? From that moment his liberty is forfeited to the discretion of his creditor. His patriotism, his integrity of character, avail him nothing. If he is permitted, in his daily exercise, to pass the bounds of a prison wall, it is by the forbearance of another. He is liable to be held in degrading custody, even under the mildest laws of insolvency, till he shall have taken the oath prescribed; and then, like the culprit who has received punishment for his crime, he is discharged from prison. This is the liberty which Americans enjoy, under the system of imprisonment for debt. Even the illustrious Jefferson, that patriarch of liberty, and the virtuous and patriotic Monroe, whose lives were devoted to their country in its darkest hours, enjoyed their freedom, during the shades of retirement, not by the protection of the law, but by the forbearance of their creditors. A citizen cannot, by contract, consign himself to bondage. He may fix his signet to the indenture that purports to bind him, but the law will break the fetter. A man may forfeit his liberty by the commission of crime; the safety of society may require that he shall be locked out from the world; but the debtor is not con-

victed of a crime: his liberty is not dangerous to society; yet, by technical implication, he may be consigned to prison.

The slave, while he toils for his master, contributes to the nation's wealth, and to the benefit of society. The resources of a nation consist principally in the industry of its citizens; and labour, by whatever hands performed, is a contribution to the public weal. But he who pines a day in prison, drags out that portion of his life in useless indolence; starving in misery, or living upon another's labour, while society is deprived of his own. The miseries of the debtor's prison present a picture of wretchedness which fancy could scarcely draw. These miseries are not confined to the prisoner's cell. They extend, in all their horror, to the humble dwelling of his family. The broken-hearted wife, surrounded with helpless, suffering children, weeping for the return of an affectionate father, innocent and ignorant of the fell destiny which dooms them to a state of untimely orphanage, is driven to despondency, and sometimes to acts of infamy. Nor is the evil obviated by the argument that the mildness of the insolvent laws furnishes an easy release from confinement. The moment a citizen enters a prison, at the command of his fellow citizen, his mind is humbled; and the principle is the same, whatever may be the duration, whether it can deprive him of his liberty for a day, a month, a year, or three score years and ten. Notwithstanding all the boasting of the mildness of our insolvent laws, our jails are crowded with debtors; thousands are annually imprisoned for debt in these United States. These facts amply demonstrate that the existing insolvent laws do not furnish a remedy for the evil. It must be eradicated by an entire and total abolition.

In the courts of the United States, no security can be demanded against groundless or malicious actions, except the legal costs of suit. But by general practice under the laws, the simple affidavit of the plaintiff that the defendant is indebted to him, is sufficient to consign the defendant to prison, unless some responsible person will befriend him by becoming his bail. He is not required to state that the obligation was incurred by false pretences, nor that the defendant was suspected of an intention to secrete his property, or to withdraw his person, or to entertain any fraudulent design. Nothing is required but the plaintiff's oath of debt, to place the liberty of the defendant beyond the protection of law, and subject him to the favour of an individual to save him from prison. It is difficult to ascertain any fixed principle upon which imprisonment for debt is advocated. It is regarded by some as a punishment for a crime; by others, a mode of coercion; by some, a fulfilment of an implied contract; by others, again, a matter of public policy. If it is a crime, the object

of punishment should be the reformation of the offender, and the prevention of future offences. An offence is against society; the guilt of the offender should be ascertained by a jury; the penalty should be fixed by law, according to the degree of guilt, and pronounced by the court without consulting the pleasure of an individual. (But in imprisonment for debt, there is no reformation.) Society is not disturbed by a criminal act. No guilt is imputed to the debtor. The law furnishes no penalty. The court pronounces no sentence. There are no grades of offence. All is left to the discretion of an individual, and the law operates indiscriminately upon the fraudulent and unfortunate. If it be a means of coercion, it is inefficacious. It cannot compel the honest man to pay what he has no means of paying. It places him beyond the possibility of procuring those means. The dishonest man will devise a method of placing his property beyond the reach of his creditors, by preparing himself in anticipation of the result. He will triumph in the impotence of the laws. The innocent are always degraded, and often ruined, while the guilty escape the punishment which their crimes deserve. It is not the fulfilment of a contract. No fair construction, even under all the fictions of law, can justify the conclusion that a debtor agrees to forfeit his personal liberty to the will of his creditor. The debtor, as a citizen and free man, is in all respects equal to his creditor. No contract could deprive him of personal independence; and in contracting a debt, he has no intention to compromise his freedom. A contract upon such a principle, would be void, both in law and in equity. In contracting a debt there is a mutual agreement between the parties, in which both are interested. If a loan, it is for usury; if a sale, it is for profit; if an act of friendship, gratitude is the safest pledge for its return, when circumstances will permit. But in all cases, the ability of the debtor, from the *property* which he holds, or may acquire, is the only proper means of payment; and it is the only legitimate resource which the creditor can honourably and lawfully anticipate. If his object is to obtain power over the liberty of the debtor, it is dark, designing, dishonourable in the extreme, and utterly unworthy the sanction of law. If his dependence is upon the friends of the debtor, by exciting their commiseration, through cruelty, it deserves public reprobation. Lord Mansfield justly observes, if any near relation is induced to pay the debt for the insolvent to keep him out of prison, it is taking an unfair advantage. No credit is desirable in a free country, predicated upon the imprisonment of the debtor, and it ought not to be granted upon such considerations.

In a country without a uniform bankrupt law, the cruelty of the system is beyond the endurance of freemen. As a

matter of policy, the committee cannot discover either the wisdom or the justice of the system. To oppress the poor may well enough consist with the policy of despots; but to an American citizen, whose birthright is liberty, it must be odious. The wealth and prosperity of a nation, the comforts of society, and the happiness of families, depend upon active industry, combined with well directed enterprise. Our laws and institutions recognise no classes. Farmers, mechanics, merchants, professional men, and the capitalist, are all peers. The revolutions in property, and distinctions resulting from industry, virtue, and talent alone, are as certain as the revolutions of the seasons. They cannot be perpetuated in one family, nor excluded from another. The poor may become wealthy, and the rich poor.

The prospect of success invigorates the hands of industry, and gives them impetus to the noblest enterprise. To these exertions, every encouragement should be given; but when the cloud of misfortune lowers, to consign its victim to the prison, is to blast his future prospects, and to fix on his family the mark of degradation. To maintain that confidence which is necessary to a fair and reasonable credit, effectual remedies should be provided against the property of the debtor, always reserving from execution such articles as are necessary for the pursuit of his calling; but that he may retain the spirit of useful enterprise, for the benefit of both his family and the community, those reservations should be carefully guarded, and the freedom of his person always secured. It cannot be denied that great calamities, both public and private, have arisen from too much credit—seldom or never, from too little; and it is equally certain that the excess of credit as frequently proceeds from him who gives, as from him who receives it.

If imprisonment for debt shall be totally abolished, the parties will understand the proper legitimate resource for the fulfilment of a contract. It will then rest upon its proper basis. The person granting credit will confide in the ability of the debtor to meet the claim, or he will require satisfactory pledges. Whatever censure may attach to the abuse of credit, it is but just to divide it between them. It is frequently as injurious to the one as to the other; and without the voluntary consent of both, it cannot exist. In the present state of society, the injury of the system may be seen and felt in a limited degree, and persons not accustomed to visit the abodes of misery, will scarcely be convinced of its dangerous tendency. But as population becomes more dense, the difficulty of procuring the comforts of life must be increased. Then, if the power of the creditor over the personal liberty of his debtor shall remain, it will be exercised with unrelenting se-

verity. Though our republican forms may be preserved, their essence may be destroyed. The country will be divided into two great classes, creditors and debtors; between whom the most obstinate hostilities will exist; and, as in Greece and Rome, society may be convulsed, confidence destroyed, and liberty endangered.

We should legislate with a view to posterity; that, with our fair inheritance, we may transmit to them a harmonious system, calculated to sustain their rights, and perpetuate the blessings of freedom.

While imprisonment for debt is sanctioned, the threats of the creditor are a source of perpetual distress to the dependant, friendless debtor, holding his liberty by sufferance alone. Temptations to oppression are constantly in view. The means of injustice are always at hand; and even helpless females are not exempted from the barbarous practice. In a land of liberty, enjoying in all other respects the freest and happiest government with which the world was ever blessed, it is a matter of astonishment that this cruel custom, so anomalous to all our institutions, inflicting so much misery upon society, should have been so long endured. It is at variance with the settled character of our population. Whenever objects of charity present themselves, all of our sympathies are called into action. There is scarcely a hamlet in our country, where benevolent societies do not exist—often extending their munificence to families deprived of their support by this oppressive system. We have not only expended our treasure to enlighten the sons of the forest, but we have sought out the victims of misfortune in foreign regions. The isles of the Pacific, the burning climes of Africa, the children of wretchedness in Europe and in Asia, even the land of Palestine, have enjoyed the fruits of American benevolence, obtained by voluntary contribution, while the cries of the unfortunate debtor, among us, are unheard and unrequited. Public sentiment demands his release, but avarice pleads the cause of oppression, and prejudice rivets the chain.

The committee ask leave to report a bill.

The following extract, taken from the Report of the Visitors and Governors of the Jail of Baltimore county, and which is appended to the Report, is the result of one county in Maryland, and under mild and humane insolvent laws.

EXTRACT.

“It appears that during the year, ending on the 26th of November, 1831, 959 of our fellow citizens have been deprived of their liberty, for this cause, (imprisonment for debt,) more

than half of them for debts under \$10, and only thirty-four of the whole number for debts exceeding \$100. More than half have been discharged from prison, by taking the benefit of the insolvent laws, or by the creditor declining to pay maintenance money; and the records of the prison present only eighty-one as having been discharged by paying their debts. The expense of boarding these debtors is \$1,430 41 cents, and the amount of debts paid in jail, \$466 6 cents."

"The inference we draw from this statement, is, that little money is recovered by imprisonment for debt, and that any advantages which may possibly result from the practice, are greatly overbalanced by the loss which the community suffers in being deprived of the services of its members; amounting, during the past year, to 7657 days, which would have been appropriated to productive labour, in paying for their support, while imprisoned, and in the baneful effects which imprisonment is calculated to produce on the individuals who are its subjects."

Again, "number of debtors for 1 dollar, and less,	53
For more than 1, and less than 5,	306
more than 5, and less than 10,	219
more than 10, and less than 20,	179
more than 20, and less than 100,	168
more than 100,	34

959"

Having omitted to state in its proper place a particular fact, exhibiting the generous interest which impels this philanthropist to action, it shall be here recorded. The intimate acquaintance which he cultivated with the Indian character, and his full knowledge of their condition, led him to devise means, which, in his estimation, promised more to ameliorate their miseries, and humanize their feelings, than any which had hitherto been adopted. This was to afford them an education among the whites. His first effort failed for want of proper aid, probably induced by a lack of confidence in its ultimate success. But it gained him the confidence of the rude foresters, who now deemed him their friend and benefactor. A treaty afterwards made with the Choctaws, provided for the expenditure of a large sum for the education of their Indian youth. The Indians requested that the young men might be placed among the whites, and under the protection of Colonel Johnson. An establishment was located on his farm,

called the Choctaw Academy. The number of pupils has increased to near a hundred, and we learn that other nations of the west have a desire to place their youth under the same means of instruction.

We have purposely omitted to notice two of the most important public acts of the public life of Colonel Johnson, not because they occurred *last* in the order of time, nor because they are of the *least* importance. We allude to his masterly reports on the Sunday Mail question.—The fact is beyond the pale of disputation, that while the Federal Constitution was in progress, and since its adoption, an overweening aristocracy, a considerable number—have striven to link their interest with our political institutions. That they have succeeded in causing laws to be passed with a special eye to their own interests as a privileged class; that they have almost monopolized the offices for teaching youth in academies, colleges, and universities; that the influence which they have by these and other methods obtained over the public mind, has been great; and that this influence has tended to one grand object, the honest and well informed will by no means dispute. To secure, extend, and perpetuate this influence, the importance of which they duly appreciated, one step remained still to be taken—it required to be *legalized* by the national legislature. But to do this, congress must first trample on the constitution. The Sunday Mail question was chosen as the *entering wedge* to sunder this masterpiece of wisdom. It was well chosen, for on no other subject could so many christians of various sects, be persuaded to act in concert. The arguments of the petitioners were specious, and the number and standing of the signers elated them with the anticipated prospect of a success proportioned to their industry and zeal.

Acting under these circumstances, the committee was burdened with a most delicate, but dread responsibility. Duty to their country pointed them to the explicit declarations of the constitution. *Fear*, had they been intimidated by the expected loss of popularity among the religious classes, would have pointed another way, and their eyes would have remained closed to the letter and spirit

of this magna charta of our liberties. The moral courage with which they investigated the subject, and the firmness of purpose which runs through these reports, is conspicuous in each and every paragraph, and demands the hearty thanks, the lasting gratitude, of every *free-minded* American. A knowledge of one fact is sufficient to settle the value of these reports; and of this fact, perhaps no statesman in the union was better apprized, than the chairman of the two committees:—Whenever and wherever one sect of Christians has predominated, having the political power under control, *persecution has been the result.*

But the reader, who perchance may never have read these master strains of argument, shall no longer be denied the privilege; and when read, may they *never*—NEVER be forgotten.

The Committee to whom was referred the several Petitions on the subject of Mails, on the Sabbath, or first day of the week, report—

That some respite is required from the ordinary vocations of life, is an established principle, sanctioned by the usages of all nations, whether Christian or Pagan. One day in seven has also been determined upon as the proportion of time; and, in conformity with the wishes of a great majority of the citizens of this country, the first day of the week, commonly called Sunday, has been set apart to that object. The principle has received the sanction of the national legislature, so far as to admit a suspension of all public business on that day, except in cases of absolute necessity, or of great public utility. This principle the committee would not wish to disturb. If kept within its legitimate sphere of action, no injury can result from its observance. It should, however, be kept in mind, that the proper object of government is, to protect all persons in the enjoyment of their religious as well as civil rights; and not to determine for any, whether they shall esteem one day above another, or esteem all days alike holy.

We are aware, that a variety of sentiment exists among the good citizens of this nation, on the subject of the sabbath day; and our government is designed for the protection of one, as much as of another. The Jews, who, in this country, are as free as Christians, and entitled to the same protection from the laws, derive their obligation to keep the sabbath day from the fourth commandment of the decalogue, and, in conformity with that injunction, pay religious homage to the seventh day of the week, which we call Saturday. One deno-

mination of Christians among us, justly celebrated for their piety, and certainly as good citizens as any other class, agree with the Jews in the moral obligation of the sabbath, and observe the same day. There are also many Christians among us, who derive not their obligations to observe the sabbath from the decalogue, but regard the Jewish sabbath as abrogated. From the example of the apostles of Christ, they have chosen the first day of the week, instead of that set apart in the decalogue, for their religious devotions. These have generally regarded the observance of the day as a devotional exercise, and would not more readily enforce it upon others than they would enforce secret prayer or devout meditations. Urging the fact, that neither their Lord, nor his disciples, though often censured by their accusers for a violation of the sabbath, ever enjoined its observance; they regard it as a subject on which every person should be fully persuaded in his own mind, and not coerce others to act upon his persuasion. Many Christians, again, differ from these, professing to derive their obligation to observe the sabbath from the fourth commandment of the Jewish decalogue, and bring the example of the apostles, who appear to have held their public meetings for worship on the first day of the week, as authority for so far changing the decalogue, as to substitute that day for the seventh. The Jewish government was a theocracy, which enforced religious observances; and though the committee would hope that no portion of the citizens of our country would willingly introduce a system of religious coercion in our civil institutions, the example of other nations should admonish us to watch carefully against its earliest indications.

With these different religious views, the committee are of opinion, that congress cannot interfere. It is not the legitimate province of the legislature to determine what religion is true, or what false. Our government is a civil, not a religious institution. Our constitution recognises, in every person, the right to choose his own religion, and to enjoy it freely, without molestation. Whatever may be the religious sentiments of citizens, and however variant, they are alike entitled to protection from the government, so long as they do not invade the rights of others.

The transportation of the mail on the first day of the week, it is believed, does not interfere with the rights of conscience. The petitioners for its discontinuance, appear to be actuated by a religious zeal, which may be commendable, if confined to its proper sphere; but they assume a position better suited to an ecclesiastical, than to a civil institution. They appear, in many instances, to lay it down as an axiom, that the practice is a violation of the law of God. Should congress

their legislative capacity, adopt the sentiment, it would establish the principle, that the legislature is a proper tribunal to determine what are the laws of God.

It would involve a legislative decision in a religious controversy; and, on a point in which good citizens may honestly differ in opinion, without disturbing the peace of society, or endangering its liberties. If this principle is once introduced, it will be impossible to define its bounds. Among all the religious persecutions with which almost every page of modern history is stained, no victim ever suffered, but for the violation of what government denominated the law of God. To prevent a similar train of evils in this country, the constitution has wisely withheld from our government the power of defining the divine law. It is a right reserved to each citizen; and while he respects the equal rights of others, he cannot be held amenable to any human tribunal for his conclusions.

Extensive religious combinations, to effect a political object, are, in the opinion of the committee, always dangerous. This first effort of the kind, calls for the establishment of a principle, which, in the opinion of the committee, would lay the foundation for dangerous innovations upon the spirit of the constitution, and upon the religious rights of the citizens. If admitted, it may be justly apprehended that the future measures of government will be strongly marked, if not eventually controlled, by the same influence. All religious despotism commences by combination and influence; and, when that influence begins to operate upon the political institutions of a country, the civil power soon bends under it; and the catastrophe of other nations furnishes an awful warning of the consequences.

Under the present regulations of the post office department, the rights of conscience are not invaded. Every agent enters voluntarily, and, it is presumed, conscientiously, into the discharge of his duties, without intermeddling with the conscience of another. Post offices are so regulated, as that but a small proportion of the first day of the week is required to be occupied in official business. In the transportation of the mail on that day, no one agent is employed many hours. Religious persons enter into the business without violating their own conscience, or imposing any restraints upon others. Passengers in the mail stages are free to rest during the first day of the week, or to pursue their journeys at their own pleasure. While the mail is transported on Saturday, the Jew and the sabbatarian may abstain from any agency in carrying it, from conscientious scruples. While it is transported on the first day of the week, another class may abstain from the same religious scruples. The obligation of govern-

ment is the same to both these classes; and the committee can discover no principle, on which the claims of one should be more respected than those of the other, unless it should be admitted that the consciences of the minority are less sacred than those of the majority.

It is the opinion of the committee, that the subject should be regarded simply as a question of expediency, irrespective of its religious bearing. In this light it has, hitherto, been considered. Congress have never legislated upon the subject. It rests, as it ever has done, in the legal discretion of the post master general, under the repeated refusals of congress to discontinue the sabbath mails. His knowledge and judgment, in all the concerns of that department, will not be questioned. His immense labours and assiduity have resulted in the highest improvement of every branch of his department. It is practised only on the great leading mail routes, and such others as are necessary to maintain their connexion. To prevent this, would, in the opinion of the committee, be productive of immense injury, both in its commercial, political, and in its moral bearings.

The various departments of government require, frequently in peace, always in war, the speediest intercourse with the remotest parts of the country; and one important object of the mail establishment is, to furnish the greatest and most economical facilities for such intercourse. The delay of the mails one day in seven, would require the employment of special expresses, at great expense, and sometimes with great uncertainty.

The commercial, manufacturing, and agricultural interests of our country, are so intimately connected, as to require a constant and most expeditious correspondence between all sea-ports, and between them and the most interior settlements. The delay of the mails during the Sunday, would give occasion to the employment of private expresses, to such an amount, that probably ten riders would be employed where one mail stage is now running on that day; thus diverting the revenue of that department into another channel, and sinking the establishment into a state of pusillanimity, incompatible with the dignity of the government of which it is a department.

Passengers in the mail stages, if the mails are not permitted to proceed on Sunday, will be expected to spend that day at a tavern upon the road, generally under circumstances not friendly to devotion, and at an expense which many are but poorly able to encounter. To obviate these difficulties, many will employ extra carriages for their conveyance, and become the bearers of correspondence, as more expeditious than the mail. The stage proprietors will themselves often

furnish the travellers with those means of conveyance; so that the effect will ultimately be only to stop the mail, while the vehicle which conveys it will continue, and its passengers become the special messengers for conveying a considerable proportion of what would, otherwise, constitute the contents of the mail.

Nor can the committee discover where the system could consistently end. If the observance of holidays becomes incorporated in our institutions, shall we not forbid the movement of an army; prohibit an assault in time of war; and lay an injunction upon our naval officers to lie in the wind upon the ocean on that day? Consistency would seem to require it. Nor is it certain that we should stop here. If the principle is once established, that religion, or religious observances, shall be interwoven with our legislative acts, we must pursue it to its ultimatum. We shall, if consistent, provide for the erection of edifices for the worship of the Creator, and for the support of Christian ministers, if we believe such measures will promote the interests of Christianity. It is the settled conviction of the committee, that the only method of avoiding these consequences, with their attendant train of evils, is to adhere strictly to the spirit of the constitution, which regards the general government in no other light than that of a civil institution, wholly destitute of religious authority.

What other nations call religious toleration, we call religious rights. They are not exercised in virtue of governmental indulgence, but as rights, of which government cannot deprive any portion of her citizens, however small. Despotic power may invade those rights, but justice still confirms them. Let the national legislature once perform an act which involves the decision of a religious controversy, and it will have passed its legitimate bounds. The precedent will then be established, and the foundation laid, for that usurpation of divine prerogative in this country, which has been the desolating scourge to the fairest portions of the world. Our constitution recognises no other power than that of persuasion, for enforcing religious observances. Let the professors of Christianity recommend their religion by deeds of benevolence—by Christian meekness—by lives of temperance and holiness. Let them combine their efforts to instruct the ignorant—to relieve the widow and the orphan—to promulgate to the world the gospel of the Saviour, recommending its precepts by their habitual example: government will find its legitimate object in protecting them. It cannot oppose them, and they will not need its aid. Their moral influence will then do infinitely more to advance the true interests of religion, than any measure which they may call on congress to enact.

The petitioners do not complain of any infringement upon their own rights. They enjoy all that Christians ought to ask at the hand of any government—protection from molestation in the exercise of their religious sentiments.

Resolved, That the committee be discharged from the farther consideration of the subject.

The committee on Post Offices and Post Roads, to whom the Memorials were referred for prohibiting the transportation of the Mails, and the opening of Post Offices, on Sundays, report :—

That the memorialists regard the first day of the week as a day set apart by the Creator for religious exercises; and consider the transportation of the mail, and the opening of the post offices, on that day, the violation of a religious duty, and call for a suppression of the practice. Others, by counter memorials, are known to entertain a different sentiment, believing that no one day of the week is holier than another. Others, holding the universality and immutability of the Jewish decalogue, believe in the sanctity of the seventh day of the week as a day of religious devotion; and by their memorial now before the committee, they also request that it may be set apart for religious purposes. Each has hitherto been left to the exercise of his own opinion; and it has been regarded as the proper business of government to protect all, and determine for none. But the attempt is now made to bring about a greater uniformity, at least, in practice; and, as argument has failed, the government has been called upon to interpose its authority to settle the controversy.

Congress acts under a constitution of delegated and limited powers. The committee look in vain to that instrument for a delegation of power authorizing this body to inquire and determine what part of time, or whether any, has been set apart by the Almighty for religious exercises. On the contrary, among the few prohibitions which it contains, is one that prohibits a religious test; and another, which declares that congress shall pass no law respecting an establishment of religion, or prohibiting the free exercise thereof. The committee might here rest the argument, upon the ground that the question referred to them, does not come within the cognizance of congress; but the perseverance and zeal with which the memorialists pursue their object, seems to require a farther elucidation of the subject. And, as the opposers of Sunday mails disclaim all intention to unite church and state, the committee do not feel disposed to impugn their motives; and whatever may be advanced in opposition to the measure, will arise from the fears entertained of its fatal tendency to the peace and happiness of the nation. The catastrophe of

other nations furnished the framers of the constitution a beacon of awful warning, and they have evinced the greatest possible care in guarding against the same evil.

The law, as it now exists, makes no distinction as to the days of the week, but it is imperative that the post master shall attend at all reasonable hours, in every day, to perform the duties of their offices; and the post master general has given his instructions to all post masters, that, at post offices, where the mail arrives on Sunday, the office is to be kept open one hour, or more, after the arrival and assorting the mail; but in case that would interfere with the hours of public worship, the office is to be kept open for one hour after the usual time of dissolving the meeting. This liberal construction of the law does not satisfy the memorialists. But the committee believe that there is no just ground of complaint, unless it be conceded that they have a controlling power over the consciences of others. If congress shall, by the authority of law, sanction the measure recommended, it would constitute a legislative decision of a religious controversy, in which even Christians themselves are at issue. However suited such a decision may be to an ecclesiastical council, it is incompatible with a republican legislature, which is purely for political, and not religious purposes.

In our individual character, we all entertain opinions, and pursue a corresponding practice, upon the subject of religion. However diversified these may be, we all harmonize as citizens, while each is willing that the other shall enjoy the same liberty which he claims for himself. But in our representative character, our individual character is lost. The individual acts for himself; the representative, for his constituents. He is chosen to represent their *political*, and not their *religious* views—to guard the rights of man; not to restrict the rights of conscience. Despots may regard their subjects as their property, and usurp the divine prerogative of prescribing their religious faith. But the history of the world furnishes the melancholy demonstration, that the disposition of one man to coerce the religious homage of another, springs from an unchastened ambition, rather than a sincere devotion to any religion. The principles of our government do not recognise in the majority, any authority over the minority, except in matters which regard the conduct of man to his fellow man. A Jewish monarch, by grasping the holy censer, lost both his sceptre and his freedom; a destiny as little to be envied, may be the lot of the American people, who hold the sovereignty of power, if they, in the person of their representatives, shall attempt to unite, in the remotest degree, church and state.

From the earliest period of time, religious teachers have

attained great ascendancy over the minds of the people; and in every nation, ancient or modern, whether pagan, Mahometan, or Christian, have succeeded in the incorporation of their religious tenets with the political institutions of their country. The Persian idols, the Grecian oracles, the Roman auguries, and the modern priesthood of Europe, have all, in their turn, been the subject of popular adulation, and the agents of political deception. If the measures recommended should be adopted, it would be difficult for human sagacity to foresee how rapid would be the succession, or how numerous the train of measures which might follow, involving the dearest rights of all—the rights of conscience. It is, perhaps, fortunate for our country, that the proposition should have been made at this early period, while the spirit of the revolution yet exists in full vigour. Religious zeal enlists the strongest prejudices of the human mind: and, when misdirected, excites the worst passions of our nature, under the delusive pretext of doing God service. Nothing so infuriates the heart to deeds of rapine and blood; nothing is so incessant in its toils—so persevering in its determination—so appalling in its course—or so dangerous in its consequences. The equality of rights secured by the constitution, may bid defiance to mere political tyrants; but the robe of sanctity too often glitters to deceive. The constitution regards the conscience of the Jew as sacred as that of the Christian; and gives no more authority to adopt a measure affecting the conscience of a solitary individual, than that of a whole community. That representative who would violate this principle, would lose his delegated character, and forfeit the confidence of his constituents. If congress shall declare the first day of the week holy, it will not convince the Jew nor the sabbatarian. It will dissatisfy both; and, consequently, convert neither. Human power may extort vain sacrifices; but Deity alone can command the affections of the heart. It must be recollected that, in the earliest settlement of this country, the spirit of persecution which drove the pilgrims from their native home, was brought with them to their new habitations; and that some Christians were scourged, and others put to death, for no other crime than dissenting from the dogmas of their rulers.

With these facts before us, it must be a subject of deep regret, that a question should be brought before congress, which involves the dearest privileges of the constitution, and even by those who enjoy its choicest blessings. *We* should all recollect that Catiline, a professed patriot, was a traitor to Rome; Arnold, a professed whig, was a traitor to America; and Judas, a professed disciple, was a traitor to his divine master.

With the exception of the United States, the whole human

race, consisting, it is supposed, of eight hundred millions of rational beings, is in religious bondage; and, in reviewing the scenes of persecution which history every where presents, unless the committee could believe that the cries of the burning victim, and the flames by which he is consumed, bear to heaven a grateful incense, the conclusion is inevitable, that the line cannot be too strongly drawn between church and state. If a solemn act of legislation shall, in *one* point, define the law of God, or point out to the citizen one religious duty, it may, with equal propriety, proceed to define *every* part of divine revelation; and enforce *every* religious obligation, even to the forms and ceremonies of worship; the endowment of the church, and the support of the clergy.

It was with a kiss that Judas betrayed his divine master, and we should all be admonished,—no matter what our faith may be,—that the rights of conscience cannot be so successfully assailed, as under the pretext of holiness. The Christian religion made its way into the world in opposition to all human governments. Banishment, tortures, and death, were inflicted in vain to stop its progress. But many of its professors, as soon as clothed with political power, lost the meek spirit which their creed inculcated, and began to inflict on other religions, and on dissenting sects of their own religion, persecutions more aggravated than those which their own apostles had endured. The ten persecutions of pagan emperors, were exceeded in atrocity by the massacres and murders perpetrated by Christian hands; and in vain shall we examine the records of imperial tyranny for an engine of cruelty equal to the *holy inquisition*. Every religious sect, however meek in its origin, commenced the work of persecution as soon as it acquired political power. The framers of the constitution recognised the eternal principle, that man's relation with his God is above human legislation, and his rights of conscience *unalienable*. Reasoning was not necessary to establish this truth; we are conscious of it in our own bosoms. It is this consciousness which, in defiance of human laws, has sustained so many martyrs in tortures and in flames. They *felt* that their duty to God was superior to human enactments, and that man could exercise no authority over their consciences: it is an inborn principle which nothing can eradicate.

The bigot, in the pride of his authority, may lose sight of it—but strip him of his power; prescribe a faith to him which his conscience rejects; threaten him in turn with the dungeon and the fagot; and the spirit which God has implanted in him, rises up in rebellion and defies you. Did the primitive Christians ask that government should recognise and observe their religious institutions? All they asked was *toleration*;

all they complained of, was persecution. What did the protestants of Germany, or the Huguenots of France, ask of their Catholic superiors? *Toleration*. What do the persecuted Catholics of Ireland ask of their oppressors? *Toleration*.

Do not all men in this country enjoy every religious right which martyrs and saints ever asked? Whence, then, the voice of complaint? Who is it, that, in the full enjoyment of every principle which human laws can secure, wishes to wrest a portion of these principles from his neighbour? Do the petitioners allege that they cannot conscientiously participate in the profits of the mail contracts and post offices, because the mail is carried on Sunday? If this be their motive, then it is worldly gain which stimulates to action, and not virtue or religion. Do they complain that men, less conscientious in relation to the sabbath, obtain advantages over them, by receiving their letters and attending to their contents? Still their motive is worldly and selfish. But, if their motive be to induce congress to sanction, by law, their *religious opinions* and *observances*, then their efforts are to be resisted, as in their tendency fatal, both to religious and political freedom. Why have the petitioners confined their prayer to the mails? Why have they not requested that the government be required to suspend *all* its executive functions on that day? Why do they not require us to enact that our ships shall not sail? that our armies shall not march? that officers of justice shall not seize the suspected, or guard the convicted? They seem to forget that government is as necessary on Sunday as on any other day of the week. The spirit of evil does not rest on that day. It is the government, ever active in its functions, which enables us all, even the petitioners, to worship in our churches in peace. Our government furnishes very few blessings like our mails. They bear from the centre of our republic to its distant extremes, the acts of our legislative bodies, the decisions of the judiciary, and the orders of the executive. Their speed is often essential to the defence of the country, the suppression of crime, and the dearest interests of the people. Were they suppressed one day of the week, their absence must be often supplied by public expresses; and, besides, while the mail bags might rest, the mail coaches would pursue their journey with the passengers. The mail bears, from one extreme of the Union to the other, letters of relatives and friends, preserving a communion of heart between those far separated, and increasing the most pure and refined pleasures of our existence; also, the letters of commercial men convey the state of the markets, prevent ruinous speculations, and promote general, as well as individual, interest: they bear innumerable religious letters, newspapers, magazines, and tracts,

which reach almost every house throughout this wide republic. Is the conveyance of these a violation of the sabbath? The advance of the human race in intelligence, in virtue, and religion itself, depends in part upon the speed with which a knowledge of the past is disseminated. Without an interchange between one country and another, and between different sections of the same country, every improvement in moral or political science, and the arts of life, would be confined to the neighbourhood where it originated. The more rapid and the more frequent this interchange, the more rapid will be the march of intellect, and the progress of improvement. The mail is the chief means by which intellectual light irradiates to the extremes of the republic. Stop it one day in seven, and you retard one seventh the advancement of our country. So far from stopping the mail on Sunday, the committee would recommend the use of all reasonable means to give it a greater expedition and a greater extension. What would be the elevation of our country, if every new conception could be made to strike every mind in the Union at the same time? It is not the distance of a province or state from the seat of government, which endangers its separation; but it is the difficulty and unfrequency of intercourse between them. Our mails reach Missouri and Arkansas in less time than they reached Kentucky and Ohio in the infancy of their settlements; and now, when there are three millions of people extending a thousand miles west of the Alleghany, we hear less of discontent, than when there were a few thousand scattered along their western base.

To stop the mails one day in seven would be to thrust the whole western country, and other distant parts of the republic, one day's journey from the seat of government. But, were it expedient to put an end to the transmission of letters and newspapers on Sunday, because it violates the law of God, have not the petitioners begun wrong in their efforts? If the arm of government be necessary to compel men to respect and obey the laws of God, do not the state governments possess infinitely more power in this respect? Let the petitioners turn to *them*, and see if they can induce the passage of laws to respect the observance of the sabbath: for, if it be sinful for the mail to carry letters on Sunday, it must be equally sinful for individuals to write, carry, receive, or read them. It would seem to require that these acts should be made penal, to complete the system. Travelling on business or recreation, except to and from church; all printing, carrying, receiving, and reading of newspapers; all conversations and social intercourse, except upon religious subjects, must necessarily be punished to suppress the evil. Would it not also follow, as an inevitable consequence, that every man,

woman, and child, should be compelled to attend meeting? and, as only one sect, in the opinion of some, can be deemed orthodox, must it not be determined, by law, which *that* is, and compel all to hear those teachers, and contribute to their support? If minor punishments would not restrain the Jew, or the sabbatarian, or the infidel, who believes Saturday to be the sabbath, or disbelieves the whole, would not the same system require that we should resort to imprisonment, banishment, the rack, and the fagot, to force men to violate their own consciences, or compel them to listen to doctrines which they abhor? When the state governments shall have yielded to these measures, it will be time enough for congress to declare that the rattling of the mail coaches shall no longer break the silence of this despotism. It is the duty of this government to afford to *all*—to the Jew or gentile, pagan or Christian, the protection and advantages of our benignant institutions, on *Sunday*, as well as every other day of the week. Although this government will not convert itself into an ecclesiastical tribunal, it will practice upon the maxim laid down by the founder of Christianity—that is lawful to do *good* on the sabbath day. If the Almighty has set apart the first day of the week as time which man is bound to keep holy, and devote exclusively to his worship, would it not be more congenial to the precepts of Christians, to appeal exclusively to the great lawgiver of the universe to aid them in making men better, in correcting their practices by purifying their hearts? Government will protect them in their efforts. When they shall have so instructed the public mind, and awakened the consciences of individuals, as to make them believe that it is a violation of God's law to carry the mail, open post offices, or receive letters, on Sunday, the evil of which they complain will cease of itself, without any exertion of the strong arm of civil power. When man undertakes to be God's avenger, he becomes a demon. Driven by the frenzy of a religious zeal, he loses every gentle feeling; forgets the most sacred precepts of his creed; and becomes ferocious and unrelenting.

Our fathers did not wait to be oppressed, when the mother country asserted and exercised an unconstitutional power over them. To have acquiesced in the tax of three pence upon a pound of tea, would have led the way to the most cruel exactions; they took a bold stand against the principle, and liberty and independence were the result. The petitioners have not requested congress to suppress Sunday mails upon the ground of political expediency, but because they violate the sanctity of the first day of the week.

This being the fact, and the petitioners having indignantly disclaimed even the wish to unite politics and religion, may not the committee reasonably cherish the hope, that they will

feel reconciled to its decision, in the case; especially, as it is also a fact, that the counter memorials, equally respectable, oppose the interference of congress, upon the ground that it would be legislating upon a religious subject, and therefore unconstitutional.

Resolved, That the committee be discharged from the farther consideration of the subject.

The last words of the preceding memoir were hardly dry, when we had the pleasure of reading the following correspondence, copied from the Louisville Advertiser of the present July. The pleasure derived from this source is partly occasioned by the fact, that more than four years have elapsed since the writing of the first, and more than three since the publication of the second Report. This correspondence proves that these particular services are *not forgotten*, but duly remembered and appreciated. It also exhibits two facts, of some importance in this affair; viz. the entire unanimity of one committee, and the full consent of the other, with a single dissenting voice.

BATON ROUGE, LA. July 10, 1833.

Col. R. M. Johnson, Scott County, Ky.

Dear Sir—A portion of your fellow citizens, of all political parties, residing in this place and neighbourhood, deeply sensible that on the maintenance of the principles so successfully advocated in your Report on Sunday Mails, must continue to rest the stability of this government, the happiness and prosperity of the people, and the indissolubility of our common country, request you will accept the accompanying Silver Goblet, as an acknowledgment of their thanks for your invaluable services in saving this Union from that bane of freedom, enterprise, and liberality, *a union of Church and State.*

The United States occupy the front rank in disseminating liberal principles, in fostering individual enterprise, and securing, without hindrance or molestation, the greatest of earthly blessings, liberty of conscience, the abolition of the most intolerant of scourges, Theological Domination, and the right of worshipping God in our own way, and at our own times.

It is evident the *Almighty* has not neglected any thing that should have been done; and if *He* has left it to the option of his creatures, each for himself, to select which day of the week he may think proper in which to do him homage, shall a minority of these same creatures attempt to improve upon his works, by dictating which day shall be called the sabbath? We trust the matter has been put to rest *for ever.*

With sentiments of respect, and wishes for your welfare and happiness, we, for and in behalf of those associated with us, subscribe ourselves,

Your obedient servants,

HUGH ALEXANDER,
CHARLES TESSIER,
JAMES M'CALB.

GREAT CROSSINGS, June, 1833.

Gentlemen—Your highly esteemed favour of the 10th July, 1833, has just been received, presenting to me a Silver Goblet, in consequence of my Sunday Mail Reports.

I had received the elegant present, a few days previously, through the kind agency of Mr. Osbourne ; my answer to him I enclose. For years before these reports were made, I had observed the great effort which was making to stop the mail on Sunday, on religious grounds, with deep sorrow and melancholy regret. When by a joint effort, which embraced the whole Union, near twenty thousand petitioners made this request of congress, I was a member of the senate, and chairman of the post office committee, to whom the petitions were referred. I discovered that the *same* printed memorial had come to us from every part of the Union. Under these circumstances, I felt it my duty to make an effort to awaken public sentiment to the danger of such a measure, and presented my first report, sanctioned by the whole committee.

My term of service having expired, I was elected to the house of representatives, and was made the chairman of the same committee. The request to stop the mails on Sunday was renewed by about half the number of the preceding session, and it again devolved upon me to make my second report, with the approbation of the whole committee, with one dissenting voice ; since which, the application has not been renewed. And I am glad to concur with you in the belief that it is abandoned for ever, leaving every individual to keep the first day of the week precisely as his own faith and conscience may dictate. Thousands, I am happy to believe, signed the memorials without due consideration, who are more than satisfied with the result. I have never had a doubt but what the movement originated principally in misguided zeal. I felt confident that I should be sustained by public sentiment. But I did not anticipate or expect the high honour which your present implies. It was a painful duty I had to discharge, against such a formidable array of numbers, respectability, and influence.

There is no man living who is under more obligations than I am to the professors of religion, of every denomination, for his political elevation, and for personal and social happiness ; and I was fearful that my language and my motives might be misunderstood. My single object

was to prevent, as far as depended upon me, a measure which, in my opinion, would have been a palpable violation of the federal constitution, and having a tendency to concentrate, in congress, ecclesiastical as well as political power. The persecutions under the reign of Mary, Queen of England, daughter of Henry the eighth; the revocation of the edict of Nantz, and the expulsion of the Huguenots from France; the persecutions which drove the pilgrims to Plymouth, on our own happy shores, and the trials for witchcraft in our own country, in olden times, all admonish us to keep church and state disunited.

Please convey to my fellow citizens of Baton Rouge and its vicinity, of all political parties associated with you, the profound respect and grateful acknowledgments with which I accept their present.

Wishing each of you prosperity and happiness, I remain sincerely your friend and fellow citizen, R. M. JOHNSON.

Messrs. HUGH ALEXANDER,
CHAS. TESSIER,
JAMES M'CALB, Baton Rouge, La.

Col. Johnson, LOUISVILLE, KY. June 5, 1833.

Sir—With this, you will receive a box forwarded from Baton Rouge, La.; and here permit me to say, that it affords me much pleasure in being in any way instrumental in promoting the personal or political welfare of Col. Johnson.

Your services to your country, and the sacrifices you have made for the public good, demand, as I hope they will receive, the grateful acknowledgment of every friend of civil and religious liberty.

For your hospitality and friendly attention to me, and the high estimation in which I hold your political opinions and practice during the last quarter of a century, be pleased to accept my most respectful and friendly consideration, until a time shall arrive when I can give more substantial proofs of both.

SAMUEL M. OSBOURNE.

GREAT CROSSINGS, 8th June, 1833.

Sir—I have received your esteemed favour of the 5th, accompanied by the box containing the beautiful silver

goblet "presented to me by the citizens of Baton Rouge, La., as a tribute of respect for my Reports on Sunday Mails," for which I return to them, through you, the sincere regard and acknowledgments of a heart overflowing with gratitude. It shall ever be retained by me, as a memorial of their friendship and of my affectionate devotion to them; and preserved, that I may ever be reminded of my duty to my country in any crisis in which may be involved the civil, political, or religious freedom of our happy country.

This token of the approbation of my fellow-citizens of Baton Rouge is unexpected, and I regret that I have not done more to deserve it.

It shall stimulate me on all occasions to discharge my public duty faithfully to the extent of my abilities, confident of the support of my fellow citizens. In presenting that Report, I was extremely anxious to avoid casting censure or reproach upon any, while I felt it my duty at every hazard to vindicate the freedom of religion to our fellow citizens, universally, and to denounce, in pointed terms, any interference of government on that subject. I am happy to believe that the case is viewed in its true light, and that all concur in the sentiment, that the measure contemplated will never again be seriously renewed. Religion can be a blessing only when every one is left to be persuaded in his own mind, without legal restraint or coercion. For the kind manner in which you have forwarded the highly valued present, accept my thanks; and wishing you the enjoyment of every blessing, I remain truly and sincerely your friend and fellow citizen, RH. M. JOHNSON.

SAML. M. OSBOURNE, Esq.

Colonel Johnson has lately been re-elected to congress by a vast majority of his district, say four of every five voters, and is yearly becoming a more popular favourite. Meetings have lately been called in approbation of his mail reports.

COMMODORE STEPHEN DECATUR.*

IN recording the events of a life, the major part of which was devoted to the service of his country, the writer is aware that the space which it must occupy is too circumscribed to render complete justice to the subject. The space which his fame occupied in the public estimation, and the scenes in which he took an active part, are enstamped on the minds of his contemporaries, and inseparable from the history of our national glory. Nothing remains for the compiler, but to select with discretion, and condense with judgment, those events which are indissolubly connected with the progress and achievements of the American navy.

Little as some may imagine the circumstances of birth and education are connected with the events of adult life, certain it is, that to these we may often refer as the impetus by which the man is either propelled or induced to action in later years. The father of our hero, though of French descent, was born in Rhode Island. When but a young man, he removed to Philadelphia, where he married a Miss Pine, of Irish extraction. He was bred to the sea, and commanded a merchant vessel out of the port of Philadelphia until the establishment of the Navy, when he was appointed to command the Delaware sloop of war. He continued in her until the frigate Philadelphia was built, when the command of that ship was given to him, at the particular request of the merchants who had built her by subscription. In this situation he remained until peace was made with France, when he resigned his commission, and retired to his residence a few miles from

* Commodore is not a title in the navy, distinguishing a grade in office, but merely seniority of commission; the oldest captain in a squadron, on taking the command, is entitled to it as a distinguishing appellation. Post captain is the highest title yet given to our naval officers.

Philadelphia, where he resided until his death which happened in November, 1808.

His son, Stephen Decatur, was born on the 5th January, 1779, on the eastern shore of Maryland, whither his parents had retired while the British were in possession of Philadelphia. They returned to that city when he was a few months old, where he was educated.

It is not a little remarkable, that as the father first commanded the noble ship *Philadelphia*, so the son, when she was in possession of a Barbary power, risked his life in the astonishingly hazardous enterprise of destroying her, in the harbour, and under the very guns of the enemy.

He received a midshipman's warrant in March, 1798, and joined the frigate *United States*, under the command of Commodore Barry, who had obtained it for him. He continued for some time with that officer, and was promoted to the rank of Lieutenant. The *United States* at that time requiring some repairs, he requested an order to join the brig *Norfolk*, then bound to the Spanish main. He performed one cruise in her as first Lieutenant, and then resumed his station on board of the *United States*, where he remained until the affairs with France were settled.

During most of the time in which young Decatur was in the *United States*, that ship was engaged in the duty of convoying and protecting American merchantmen, and chastising or destroying the literal swarms of French and Spanish picaroons which infested the Atlantic ocean. Constitutionally ardent, and panting for naval glory, no wonder the lessons and examples of his father had their effect on his conduct; nor need we wonder that so able a commander as Commodore Barry, should encourage the noble bud of promise for future usefulness, which he could not observe but with the utmost satisfaction. It may not be amiss here to remark, that of this ship, in which he rose from midshipman to lieutenant, he captured, fourteen years afterwards, one of the finest frigates belonging to the British navy.

He was then ordered to the *Essex*, as first Lieutenant, and sailed with Commodore Dale's squadron to the Medi-

terranean. Commodore Dale, having accomplished the object for which he was despatched with his squadron to the Mediterranean, returned with it to America. Lieutenant Decatur returned in the Essex; and was received by his friends and countrymen with those demonstrations of respect which might be expected from the character he had previously established.

Decatur, if not already in his glory, clearly saw the shining path that led to it. He had not that untutored and blustering courage which sometimes, by fortunate circumstances, crowns a rash fool with laurels, but had that cool, regulated, and scientific fortitude, which almost invariably carries forward a great man to temporal fame. If a hackneyed expression is admissible on a subject so elevated, it might be said that Decatur was born to achieve victories "*secundem artem*." He did not wish to leave to the uncertain and variable fortune of war, those conquests which are to be obtained by systematic, and regulated courage. Assiduously employed as he was, in preparing the Essex for the first important armed expedition from the new to the old world, he thus addressed the whole-souled tars of the ship:—"COMRADES—We are now about to embark on an expedition, which may terminate in our sudden deaths, our perpetual slavery, or our immortal glory. The event is left for futurity to determine. The first quality of a good seaman, is, personal courage,—the second, obedience to orders,—the third, fortitude under sufferings; to these may be added, an ardent love of country. I need say no more—I am confident you possess them all." Such an address as this, from such a man as Lieutenant Decatur, to such men as American seamen, some of whom had recently been led to victory by Truxton, and all panting for fame, must have operated like a shock of electricity. What were in reality its effects, will no longer be problematical to those who learn what he accomplished by the valour and good conduct of those whom he commanded.

Since the year 1805, expeditions to the Mediterranean have become familiar; and, by our officers and seamen, rather considered as pastime and amusement, than as

entering into a hazardous and doubtful contest ; but until 1801 no American armed ship or squadron had ever passed the straits into that sea, which had so long been infested by barbarian corsairs—let it also be remembered that STEPHEN DECATUR, was one of those who led the van in the acquisition of the fame which has since shone so conspicuously upon the American navy in the Mediterranean. It might then, although in a minor station, be said of Decatur as it was said of one of the first heroes of the revolution :—" HE DARED TO LEAD, WHERE ANY DARED TO FOLLOW."

When he returned to the United States he was ordered to take command of the *Argus*, and proceeded in her to join Commodore Preble's squadron, then in the Mediterranean, and on his arrival there, to resign the command of the *Argus* to Lieutenant Hull, and take the schooner *Enterprise*, then commanded by that officer. After making that exchange, he proceeded to Syracuse, where the squadron was to rendezvous. On his arrival at that port he was informed of the fate of the frigate *Philadelphia*, which had run aground on the Barbary coast, and had fallen into the hands of the Tripolitans. The idea immediately presented itself to his mind of attempting her recapture or destruction. On Commodore Preble's arrival, a few days afterwards, he proposed to him a plan for the purpose, and volunteered his services to execute it. That officer at first disapproved an enterprise so full of peril ; but the risks and difficulties that surrounded it, only stimulated the ardour of Decatur, and imparted to it an air of adventure, fascinating to his imagination.

The consent of the Commodore having been obtained, Lieutenant Decatur selected for the expedition the ketch *Intrepid*, which he had captured a few weeks before from the enemy, and manned her with seventy volunteers, mostly his own crew. He sailed from Syracuse, on the third of February, 1804, accompanied by the United States' brig *Syren*, Lieutenant Stewart, who was to aid with his boats and to receive the crew of the ketch, in case it should be found expedient to use her as a fire ship.

After fifteen days of very tempestuous weather, they

arrived off Tripoli a little before sunset. It had been arranged between Lieutenants Decatur, and Stewart, that the ketch should enter the harbour about ten o'clock that night, attended by the boats of the Syren. On arriving off the port, the Syren, in consequence of a change of wind, had been thrown six or eight miles without the Intrepid. The wind at this time was fair, but fast declining, and Lieutenant Decatur apprehended that, should he wait for the Syren's boats to come up, it might be too late to make the attack that night. Such delay might be fatal to the enterprise, as they could not remain longer on the coast, their provisions being nearly exhausted. For these reasons he determined to adventure into the harbour alone, which he did about eight o'clock.

An idea may be formed of the extreme hazard of this enterprise from the situation of the frigate. She was moored within half gun shot of the Bashaw's castle, and of the principal battery. Two of the enemy's cruisers lay within two cables' length, on the starboard quarter, and their gunboats within half gun-shot on the starboard bow. All the guns of the frigate were mounted and loaded. Such were the immediate perils that he ventured to encounter with a single ketch, besides the other dangers that abound in that strongly fortified harbour.

Although from the entrance to the place where the frigate lay was only three miles, yet in consequence of the lightness of the wind, they did not get within hail of her until eleven o'clock. When they had approached within two hundred yards, they were hailed and ordered to anchor, or the enemy would fire. Lieutenant Decatur ordered a Maltese pilot, who was on board the ketch, to answer that they had lost their anchors in a gale of wind on the coast, and therefore could not comply with their request. By this time it had become perfectly calm, and they were about fifty yards from the frigate. Lieutenant Decatur ordered a small boat that was alongside of the ketch, to take a rope and make it fast to the frigate's fore-chains. This being done, they began to warp the ketch alongside. It was not until this moment that the enemy suspected the character of their visiter, and great confu-

sion immediately ensued. This enabled our adventurers to go alongside of the frigate, when Decatur immediately sprang aboard, followed by Mr. Charles Morris, midshipman. These two were nearly a minute on the deck before their companions could succeed in mounting the side. Fortunately, the Turks had not sufficiently recovered from their surprise to take advantage of this delay. They were crowded together on the quarter-deck, perfectly astonished and aghast, without making any attempt to oppose the assailing party. As soon as a sufficient number of his men had gained the deck, to form a front equal to that of the enemy, they rushed on them. The Turks stood the assault but a short time, and were completely overpowered. About twenty were killed on the spot, many jumped overboard, and the rest fled to the main-deck, whither they were pursued and driven to the hold.

After entire possession of the ship had been gained, and every thing prepared to set fire to her, a number of launches were seen rowing about the harbour. This determined Lieutenant Decatur to remain in the frigate, whence a better defence could be made than on board the ketch. The enemy had already commenced firing upon them from their batteries and castle, and from two corsairs that were lying near. Perceiving that the launches did not attempt to approach, he ordered that the ship should be set on fire, which was done, at the same time, in different parts. As soon as this was completely effected, they left her, and such was the rapidity of the flames, that it was with the utmost difficulty they preserved the ketch. At this critical moment, a most propitious breeze sprung up, blowing directly out of the harbour, which, in a few minutes, carried them beyond the reach of the enemy's guns, and they made good their retreat without the loss of a single man, and with but four wounded.

For this gallant and romantic achievement, Lieutenant Decatur was made post-captain, there being no intermediate grade. This promotion was done with the consent of the officers over whose heads he was raised.

In the ensuing spring, it being determined to make an attack on Tripoli, Commodore Preble obtained from the

king of Naples the loan of six gun-boats and two bombards, which he formed into two divisions, and gave the command of one of them to Captain Decatur, the other to Lieutenant Somers. The squadron sailed from Syracuse, consisting of the frigate Constitution, the brig Syren, the schooners Nautilus and Vixen, and the gun-boats.

Having arrived on the coast of Barbary, they were for some days prevented from making the attack, by adverse wind and weather ; at length, on the morning of the 2d of August, the weather being favourable, the signal was made from the Commodore's ship to prepare for action, the light vessels towing the gun-boats to windward. At nine o'clock the signal was made for bombarding the town and the enemy's vessels. The gun-boats were cast off, and advanced in a line ahead, led on by Captain Decatur, and covered by the frigate Constitution, and the brigs and schooners. The enemy's gun-boats were moored along the mouth of the harbour under the batteries, and within musket shot. Their sails had been taken away from them, and they were ordered to sink rather than abandon their position. They were aided and covered likewise by a brig of sixteen, and a schooner of ten guns.

Before entering into close action, Captain Decatur went alongside each of his boats, and ordered them to unship their bowsprits and follow him, as it was his intention to follow the enemy's boats. Lieutenant James Decatur commanded one of the boats belonging to Lieutenant Somers' division, but being farther to windward than the rest of his division, he joined and took orders from his brother.

When Captain Decatur, who was in the leading boat, came within range of the fire from the batteries, a heavy fire was opened on him from them and from the gun-boats. He returned their fire, and continued advancing until he came in contact with the boats. At this time Commodore Preble, seeing Decatur approaching nearer than he thought prudent, ordered the signal to be made for a retreat, but it was found that in making out signals for the boats, one for a retreat had been omitted. The enemy's boats had about forty men each ; his an equal number, twenty-seven of whom were American, and thir-

teen Neapolitans. Decatur, on boarding the enemy, was instantly followed by his countrymen, but the Neapolitans remained behind. The Turks did not sustain the combat, hand to hand, with that firmness for which they had gained a reputation ; in ten minutes the deck was cleared ; eight of them sought refuge in the hold ; and of the rest, some fell on the deck, and others jumped into the sea. Only three of the Americans were wounded.

As Decatur was about to proceed out with his prize, the boat which had been commanded by his brother came under his stern, and informed him that they had engaged and captured one of the enemy ; but that her commander, after surrendering, had treacherously shot Lieutenant James Decatur, and pushed off with the boat, and was then making for the harbour.

The feelings of the gallant Decatur, on receiving this intelligence, may more easily be imagined than described. Every consideration of prudence and safety was lost in his eagerness to punish so dastardly an act, and to avenge the death of a brother so basely murdered. He pushed within the enemy's line with his single boat, and having succeeded in getting alongside his retreating foe, boarded her at the head of eleven men, who were all the Americans he had left.

The fate of this contest was extremely doubtful for twenty minutes. All the Americans except four were now severely wounded. Decatur now singled out the commander as the peculiar object of his vengeance. The Turk was armed with an esponton, Decatur with a cutlass ; attempting to cut off the head of the weapon, his sword struck on the iron, and broke close to the hilt. The Turk at this moment made a push, which slightly wounded him in the right arm and breast. He immediately seized the spear, and closed with him. A fierce struggle ensued, and both fell, Decatur uppermost. By this time the Turk had drawn a dagger from his belt, and was about to plunge it into the body of his foe, when Decatur caught his arm, and shot him with a pistol, which he had taken from his pocket. During the time they were struggling on the deck, the crews rushed to the aid of their com-

manders, and a most sanguinary conflict took place, inso-much that when Decatur had despatched his adversary, it was with the greatest difficulty he could extricate himself from the killed and wounded that had fallen around him.

During the early part of Decatur's struggle with the Turk, he was assailed in the rear by one of the enemy, who had just aimed a blow at his head with his sabre, which must have been fatal; at this fearful juncture, a sailor, who had been so badly wounded as to lose the use of his hands, seeing no other means of saving his commander, rushed between him and the uplifted sabre, and received the blow on his own head, which fractured his skull. This generous fellow survived, and received a pension from government.

Decatur succeeded in getting with both of his prizes to the squadron, and the next day received the highest commendation, in a general order, from Commodore Preble. When that able officer was superseded in the command of the squadron, he gave the Constitution to Captain Decatur, who had, some time before, received his commission. From that ship he was removed to the Congress, and returned home, as a passenger, in the Chesapeake, when peace was concluded with Tripoli. On his return to the United States, he was employed in superintending gun-boats, until the affair of the Chesapeake, when he was ordered to supersede Commodore Barron in the command of that ship. About which time, he married Miss Wheeler, of Norfolk, Va. When the United States was again put in commission, he was removed from the Chesapeake to that frigate.

The late war with Great Britain gave Commodore Decatur another opportunity of adding to the laurels he had won. On the 25th of October, 1812, in lat. 29 N., long. 29 30 W. he fell in with his Britannic Majesty's ship Macedonian, mounting forty-nine carriage guns. This was one of the finest frigates in the British navy, and commanded by Captain S. Carden, one of the ablest officers. She was in prime order, two years old, and but four months out of dock. The enemy, being to windward, had the advantage of choosing his own distance; and, supposing

the United States to be the Essex, (which only mounted carronades,) kept at first at long shot, and did not at any moment come within the complete effect of the musketry and grape. After the frigates had come to close action, the battle was terminated in a very short period by the enemy's surrender. The whole engagement lasted for an hour and a half, being prolonged by the distance at which the early part of it was fought, and by a heavy swell of the sea. The superior gunnery of the Americans was apparent in this, as in all their other actions. The Macedonian lost her mizen-mast, fore and main top-masts and main yard, and was much cut in the hull. Her loss was thirty-six killed, and sixty-eight wounded. The damage of the United States was comparatively trivial, four killed, and seven wounded: and she suffered so little in her hull and rigging, that she might have continued her cruise, had not Commodore Decatur thought it important to convoy his prize into port. His reception of Captain Carden on board of the United States was truly characteristic. On presenting his sword, Decatur observed that he could not think of taking the sword of an officer who had defended his ship so gallantly, but he should be happy to take him by the hand.

Commodore Decatur convoyed his prize, in her shattered condition, across a vast extent of ocean, swarming with foes, and conducted her triumphantly into port; thus placing immediately before the eyes of his countrymen a noble trophy of skill and national prowess.

The crew of the United States, on deck, were amused at this time by an odd occurrence. An old negro on board this ship, who had formerly sailed under Carden, and had frequently heard him express a wish to meet in contest a yankee ship of war, had posted himself at the companion door, and as Captain Decatur was escorting his captive guest to the cabin, the old negro accosted the captain of the Macedonian with—" *Egad, massa, you glad you see yankee now?*" It was with much ado that the Commodore could restrain the risible muscles of his countenance. He ordered the black to begone, and the old fellow went off continuing the repetition of the odd *phrase*, to the

no small amusement of the American tars who had just achieved this conquest.

After the action, the Macedonian was brought into Newport, (R. I.) under the command of Lieutenant William H. Allen, where she was partially repaired. From Newport, she proceeded to New York, where the command was given to Captain Jacob Jones, and that of the Argus to Mr. Allen. The United States had previously arrived at that port, and both ships were put in a condition to proceed to sea. Accordingly, in the latter part of May, 1813, they, in company with the Hornet, sloop of war, Lieutenant Biddle, sailed from New York, down Long Island Sound, for the purpose of avoiding the British squadron off New York, and proceeding to sea by the east end of Long Island. On the first of June, the appearance off Montaug Point of a seventy-four, two frigates, and some other vessels, part of a large British force, then in the vicinity, in a hostile attitude, induced Commodore Decatur to put into New London harbour; the British squadron following closely, but without effect. In the evening, the ships were drawn up abreast of New London fort, extending across the harbour; the United States in the centre, the Macedonian on the right, and the Hornet on the left, in expectation of an attack. For a long time, the squadron remained in the harbour of New London, vigilantly blockaded by a British force, under the command of Sir Thomas Hardy, of the Ramilies, seventy-four, composed from time to time of different ships, and subsequently under different commanders. Attempts were made by the one party to escape, and demonstrations were exhibited by the other, of attack; but after the removal of the former, to an interior and safer place, the intention of escaping, and the expectation of attack, no longer existed. Although, during this blockade, the objects for which the squadron was equipped were rendered hopeless, yet the masterly dispositions of the Commodore, forbade all apprehensions for its safety: and although much had been expected, from such a force, under such commanders, yet the spirit of the country was not depressed by the disappointment, nor was the well earned reputation of those

officers impaired, by an event which was justly considered to be unavoidable. The government of the United States, unwilling to employ the activity and talents of Commodore Decatur, in merely superintending an inactive, and comparatively secure portion of its navy, appointed him to the ship *President*, recently under the command of Commodore Rodgers, and then at New York. In this situation, Commodore Decatur was still watched, but under circumstances which favoured the hope of bringing his powers into action.

On the fourteenth day of January, 1815, it was supposed that the opportunity long waited for, of giving scope to the capabilities of the ship *President*, and exercise to the talents of her commander, presented itself. She got under way in the morning, and anchored again within the Hook. After getting again under way, she struck the ground, injured her false keel, and sustained other damage: but being still tight, she stood away to the eastward, with a stiff breeze from the north-west. At five o'clock in the morning of the fifteenth, a large sail was discovered nearly ahead; the ship immediately hauled up in the wind, when three more sail were discovered, in chase. At day-light, the nearest ship, which was a razee, commenced firing from her bow gun, but without effect, the shot falling short; and it was soon found that the *President* had distanced the razee. The wind at this time growing light, the other ships evidently gained on her, particularly one ship, a heavy frigate, neared her fast. As the only alternative, the Commodore ordered the ship to be lightened; provisions were thrown overboard, water started, and every exertion made that could facilitate her sailing; and the sails kept constantly wet. At ten o'clock another sail appeared, on the weather beam; she was a sloop of war, and was standing down for the *President*. At three o'clock, the nearest ship was within gun-shot, and commenced, and kept up a constant fire, from her bow guns, which was immediately returned, but with little effect on either side, there being a high, irregular sea. Every hope of escape, as the wind then was, without coming to close action, had vanished. The gallant Commodore then con-

ceived the bold design of closing and boarding the enemy ; the boarders were called, and all hands greeted him with three hearty cheers.

“ It was truly astonishing (says an eye-witness on board) to see the cool, deliberate courage and cheerfulness, that prevailed among the officers and crew, in the face of an enemy more than four times their force. From this you may conceive what we would have done, had we any thing like an equal force to contend with. Every arrangement was now made, to close with the leading ship, which had at this time ranged up nearly within pistol shot ; our brave commodore placing himself at the head of the boarders. At five P. M. we wore short round, with the intention of laying him on board—but, as if he had anticipated our design, he immediately wore, and hauled to the wind, fearing to close, although the whole squadron were coming up fast : he having the wind, it was impossible to close for boarding ; we then opened our fire, and in fifteen minutes his sails were very much cut ; both ships now falling off, continued engaging before the wind, for an hour and a half ; in which time his spars, sails, and rigging were literally cut to pieces, and his fire nearly silenced, only firing single guns at long intervals. We now quit him, and in hauling up, had to expose ourselves to a raking fire, but he was so much cut up that he could not avail himself of the advantage, and only fired three or four shot ; we then, astonishing to relate, went out of action with every sail set, and soon left our antagonist out of sight. We were now going off, with every thing set, our damage but trifling ; sails all wet again, and began almost to flatter ourselves on the probability of escaping. Had thick weather set in, of which there was every appearance, no doubt but we should have succeeded ; on the contrary, it continued fine, and the three other ships plainly discernible, making their night signals, two in particular, nearing us fast, as the concussion of our guns had destroyed the wind, whereas they were bringing up the breeze with them.

“ About two hours from the time we left the ship we had engaged, one of the enemy had approached within half gun shot, the other taking a raking position : being

now assailed by so superior a force, without any probability of escape, our brave commodore, with great reluctance, being dictated by motives of humanity, ordered a signal of surrender to be made; notwithstanding, they continued to fire into us for more than fifteen minutes, through mistake. We were now taken possession of by the Pomone and Tenedos of 38, and Majestic razee of 62 guns; and found the ship we had engaged was the *Endymion*, mounting 51 guns, long 24 pounders, on her gun deck. Our loss, as you may suppose from the length of the action, was very great; as near as I could learn, we had twenty-four killed and fifty-four wounded. Commodore Decatur received a severe contusion on the breast. Among our killed, were our first, fourth, and fifth lieutenants. The first, Mr. Babbit, was killed early in the action; he was an officer of the greatest merit and bravery, in whom the service lost one of its brightest ornaments. Messrs. Hamilton and Howell were also officers of great merit. Among the wounded, was the master, and one midshipman.

“The loss of the enemy has been very severe: from their endeavours to conceal it, I have not been able to learn the number, though some of our officers state, who were taken on board the *Endymion*, that ten men were thrown overboard the night after the action, from that ship. The day after the action was remarkably fine, and gave them an excellent opportunity to secure the masts; but they being so elated with their success, it was in a manner neglected. At ten that night, there came on a most violent gale of wind, and continued with unabated fury for thirty hours. Next morning all our masts went by the board within an hour of each other. Our situation now became truly alarming—the wreck of the masts beating against the ship’s bottom—very few of the guns secured—some loose going from side to side—the ship rolling gangways under, lying in the trough of the sea, which at times was making free passage over her, and seven feet water in the hold. The crew were nearly worn out, and quite disheartened; but by the exertions of a few of our crew, who were left on board to take care of the sick, the wreck of the masts was with great difficulty cleared away. The

ship then lay much easier, and by fresh exertions at the pumps, we had the joy to find we gained on the leak, and by night had the pleasure of finding the pumps to suck. Notwithstanding it continued to blow excessively hard, we began to have confidence that she would weather the gale. Our poor wounded men suffered very much ; some, from the nature of their wounds, were not able to lie in their hammocks, and were tossed from side to side with the violent rolling of the ship, which hastened the death of several. The gale moderating next day, they commenced setting up juremasts, and in ten days arrived at Bermuda, where we found the *Pomone* and *Endymion* ; the latter had lost all her masts and bowsprit, had hove all her upper deck guns overboard in the gale, and was very near foundering."

Commodore Decatur arrived at New London in fourteen days from Bermuda, on the twenty-second day of February, in the *Narcissus* frigate, Captain Gordon. On his landing, the populace placed him in a carriage, and drew him through the principal streets of New London, amidst the shouts of thousands of the citizens of that town and the vicinity. On setting him down at Brown's Hotel, the Commodore attempted to address the multitude, but the acclamations were so loud and incessant, that he could not be heard. In the evening, Commodore Decatur, Commodore Shaw, and other officers of the United States' navy, and of the army, together with Captain Garland of the *Superb*, Captain Gordon of the *Narcissus*, and upwards of forty other officers of the British squadron off New London, attended an elegant ball, which was given in celebration of peace and the birth-day of Washington.

The affairs of the United States with Algiers assuming a hostile appearance, the commodore was despatched in the summer of 1815, with a squadron, to the Mediterranean, to reduce that regency to a more pacific disposition. He was to be succeeded by another squadron under Commodore Bainbridge. Panting for glory, Decatur hoisted his flag on board the United States' frigate *Guerriere*, and sailed with his squadron from New York on the 18th of May, for his destination, with all possible despatch ; in order to settle affairs with the Algerines before the arrival

of the second squadron, and thus secure to himself the honours which would otherwise entwine another's brow. On his passage thither, he had the good fortune to fall in with the Algerine Admiral Rais Hammida, who was cruising against the Americans. Finding it impossible to escape, the Turk determined to defend his ship to the last; nor was the crescent lowered, until her gallant commander was no more. This ship was called the *Mazouda*, of 46 guns, and between four and five hundred men, and struck in twenty-five minutes after the action begun. The number of prisoners were four hundred and six, and upwards of thirty killed. The action was fought off Cape de Gatt, on the 17th of June, 1815. On the 19th of the same month, off Cape Palos, after a chase of three hours, he captured an Algerine brig of twenty-two guns, and one hundred and eighty men; one hundred of whom escaped in their boats prior to the capture of the brig.

Commodore Decatur arrived before Algiers on the 29th June, and hoisted a flag of truce on board the *Guerriere*, with the Swedish flag at the main. A boat came off with Mr. Norderling, Consul of Sweden, and the Captain of the port, to whom the capture of the frigate and brig was communicated, and to whom Commodore Decatur and William Shaler, Esq., acting as commissioners to negotiate a peace, delivered a letter for the Dey, from the President of the United States; and also a note from themselves, of which the following is a copy:

"The American Commissioners to the Dey of Algiers.

"The undersigned have the honour to inform his Highness the Dey of Algiers, that they have been appointed by the President of the United States of America, commissioners plenipotentiary to treat of peace with his Highness, and that, pursuant to their instructions, they are ready to open a negotiation for the restoration of peace and harmony between the two countries, on terms just and honourable to both parties; and they feel it incumbent on them to state explicitly to his Highness, that they are instructed to treat upon no other principle than that of perfect equality, and on the terms of the most favoured na-

tions: no stipulation for paying any tribute to Algiers, under any form whatever, will be agreed to.

"The undersigned have the honour to transmit herewith, a letter from the President of the United States, and they avail themselves of this occasion to assure his Highness of their high consideration and profound respect."

The captain of the port then requested that hostilities should cease preceding the negotiation, and that persons might be sent ashore to treat. Both propositions were rejected, the American commissioners declaring that the negotiations must be carried on on board the fleet, and that hostilities, as respected vessels, should not cease. On the following day, the Swedish consul and the captain of the port came on board with full powers to negotiate. The American commissioners produced the model of a treaty which they declared would not be departed from in substance. Every attempt on the part of Algiers, to obtain a modification of it, proved fruitless; even the restoration of the captured vessels was positively refused. Upon consideration, however, the American commissioners resolved to restore the captured vessels as a *favour*, and not as matter of treaty, giving the Algerine to understand, that even this would depend on the signing of the treaty as presented. The Algerine captain then proposed a truce, to deliberate on the proposed terms; the reply was, "not a minute; if your squadron appears in sight before the treaty is actually signed by the Dey, and the prisoners sent off, ours would capture them!" It was finally agreed, that hostilities should cease when the Algerine boat should be perceived coming off with a white flag hoisted, the Swedish consul pledging his word of honour not to hoist it unless the treaty was signed, and the prisoners in the boat. The Swedish consul and Algerine captain returned on shore, and although the distance was full five miles, they came back within three hours, with the treaty signed, and having with them the prisoners who were to be released from captivity by the terms of the treaty.

Commodore Decatur despatched the United States' brig *Epervier*, Lieutenant Shubrick, with the pleasing information to the American government. This vessel was lost,

and supposed to have foundered at sea, with the prisoners on board, as nothing was ever heard of her since.

After having visited the other Barbary ports of Tunis and Tripoli, Commodore Decatur landed at Messina eight Neapolitan captives, whose release he obtained in his negotiations with the Dey of Algiers. This fact was communicated to the minister of foreign affairs of the king of the Two Sicilies, at Naples, on the 8th of September, 1815, and received a flattering and friendly answer. Decatur returned to the United States in the *Guerriere*, on the 12th of November of the same year.

Commodore Decatur had been absent from America one hundred and eighty-seven days. It may afford gratification, as it surely must excite astonishment, to the reader, to *recapitulate*, in few words, the service performed, and the deeds achieved by the squadron under his command, during this period—the time in which a single merchantman usually makes a voyage from an American to an European port, and back again. In this little period of time, Commodore Decatur

1. Made a voyage from America to Europe in squadron.
2. Captured an Algerine frigate in the Mediterranean, killed the Algerine admiral with 30 of his crew, and took 406 prisoners.
3. Captured a large Algerine brig of war, with 170 prisoners, and sent her to a neutral port.
4. Negotiated a most advantageous treaty with the Dey of Algiers—obtained indemnification for captures of American merchantmen, &c. &c., and released a Spanish consul and merchant from bondage.
5. Demanded and obtained indemnification from the kingdom of Tunis, for suffering the British to violate the neutrality of their port by taking American vessels.
6. Demanded and obtained from the kingdom of Tripoli indemnification for the *same* cause, and the release of *ten* European Christian slaves in bondage.
7. Repaired the American squadron in a *Neapolitan* port.
8. Restored to the king of the Two Sicilies eight of his subjects rescued from Turkish bondage—received his

grateful acknowledgments and assurances of favour to the "brave American nation."

9. Sailed down the Mediterranean, and surrendered his squadron, (except the *Guerriere*,) in prime order, to Commodore Bainbridge.
10. Made a voyage from Europe to America in the *Guerriere*.

Mr. Secretary Hamilton, Jones, and Crowninshield, and the most distinguished post captains, all concurred in the opinion of the indispensable necessity of creating a board of navy commissioners. The great and diversified duties of the navy department had so accumulated, that it became wholly impracticable for the most capable and laborious secretary to discharge the duties of it with honour to himself and advantage to the nation. The naval committee of 1815 discovered alarming abuses in the navy, from, to use their language—

- 1st. The excessive and laborious duty of the Secretary.
- 2d. The want of sufficient checks upon, and the consequent irresponsibility of, subordinate agents.
- 3d. The great latitude allowed commanders in altering, repairing, and finishing their ships.

Congress, in the session of 1815, established the board of navy commissioners, and the president, by and with the advice of the senate, appointed Commodore Rogers, and Captains Hull and Porter, to the high and important duties of the office. Never was there a more judicious selection of officers. They were all veterans of the "Mediterranean school."

Upon the return of Commodore Decatur from the Mediterranean, and the retirement of Captain Hull, he succeeded him as a navy commissioner.

As it regards his capability of discharging the highly important and very responsible duties of this station, I need say nothing to those who have had the patience to peruse these imperfect sketches of his life.

The duties of the board of navy commissioners are as multifarious as the vast variety of naval concerns; and although the president of the United States, and the secretary of the navy, have a paramount authority, yet, through

this board, almost every important measure originates. From voluminous reports and documents the following brief outline is collected. The board

1. Determine the various classes of ships to be built, quality of materials, models, &c.
2. Establish regulations for the necessary expenditures, and the correct accounting for them.
3. Regulations for ascertaining the actual state of decayed, damaged, or defective vessels, and the disposition of them.
4. Regulations for the naval service, at sea and upon the lakes.
5. Regulations for flotillas, and for every species of harbour defence.
6. Regulations for navy yards, arsenals, depot of stores, materials, &c.
7. Regulations for cruising ships, ships in port, for the recruiting service, officers on duty, on shore, and on furlough.
8. A system for hospitals, and the medical department.
9. Regulations for the conduct of pursers, fixing their emolument—mode of accounting, and securing seamen from undue advantages.
10. Regulations for the examination of the officers of the navy below master commandant—classing them in the scale of merit—determining *promotions*, and the applications for warrant appointments.

These important duties, with all their various ramifications, surely must need the most comprehensive views, and the most minute acquaintance with naval science. They also require the most unceasing vigilance and application. No wonder that abuses should have crept into the navy, and that a succession of secretaries should have urged an establishment of such a board. These abuses have been corrected, and the pecuniary affairs of the navy are now as accurately adjusted as the accounts of an educated merchant.

Commodore Decatur brought into this board his whole experience, his whole vigilance, and his unspotted integrity. In his brother commissioners, he found men like himself, devoted to the best interest of the navy and the

country. A new era commenced in our growing naval establishment. Order was brought out of confusion, and system was substituted for derangement. They were to the navy, what the unequalled Hamilton once was to the Treasury.

But while Commodore Decatur was thus engaged in advancing the permanent force of the American Navy, temporary relaxations from the intensity of application to his official duties, enabled him to participate in the captivating enjoyments of accomplished society, besides that which the metropolis afforded.

Three states lay in their claim to him as a *citizen*—*Maryland*, because he was *born* in it—*Pennsylvania*, because he *adopted* it—and *Virginia*, because she furnished him with the source of his most exquisite enjoyment, a lovely, dignified, and accomplished bosom companion. It is not necessary to decide which state has the best claim to *citizenship*; suffice it to say, each of them strived to outvie each other in *civility* to him, whenever his short excursions led him into them. His entry into their larger towns, although in the most unostentatious style, called forth every possible demonstration of esteem, respect, and admiration. It was not the unmeaning and idolatrous veneration which a degraded and humiliated people pay to monarchs and princes who have no claim upon their affection, and which proceeds more from fear than attachment—it was the voluntary effusion of the heart, proceeding from a knowledge of his inestimable worth, and an acknowledgment of the incalculable services he had rendered the Republic.

The refined and patriotic citizens of *Baltimore*, ever prompt in serving their country, and equally ready to manifest their respect for those who have served it, presented Commodore Decatur with a superb service of plate upon each piece of which was this inscription:—

“THE CITIZENS OF BALTIMORE TO COMM. DECATUR.”

“Rebus gestis insigni—ob virtutes dilecto.”

Although the *classical* examiner would readily see from this inscription that the citizens of Baltimore conveyed the truth admitted by all, that Commodore Decatur was

"distinguished for his heroism and admired for his virtues," yet some observers might not be so fortunate.

The most difficult duty, and, in a personal point of view, the most liable to censure, that Commodore Decatur had to perform, as Navy Commissioner, was the selection of officers for different commands. In every other of the vast variety of duties he had to discharge, in conjunction with the Secretary of the Navy, and his brother Commissioners, they related to the navy generally; and equally affected every one, from the highest to the lowest grade of officers. But in restoring officers to commands, after they had been suspended from them by arrests, inquiries, and trials, and after the term of suspension, after inquiries and trials had expired, exposed them to the personal animadversions of every naval officer who had been implicated.

Commodore Barron, whose name stands the third in the Naval Register of the American Republic, had long been out of service. He had been suspended from the naval service in consequence of the well known affair of the Chesapeake and Leopard frigates; the details of which would be harrowing up, and opening afresh, the most aggravated wound ever inflicted on the honour of the American Navy. The writer hesitates as he approaches the subject. From that disastrous affair, more than from any other cause, arose the second war between our peaceful Republic and imperious Britain; and, if any calamity greater than war to our country could have visited it, it essentially contributed to the tragical—the disastrous death of Stephen Decatur.

As a Navy Commissioner, Commodore Decatur had an important official duty to perform; and for the performance of it, he was accountable to his superiors. Let his decision have affected whom it might, the reputation, the honour, and the glory of the American Navy, were ever first in his thoughts, first in his words, and first in his deeds. Having been devoted to the naval service of his country by his noble father, and by his own ardent heroism, he had ever manifested a readiness to spill his blood, and spend his life, in advancing its glory. The navy was his pole star; and his views were as undeviatingly fixed

upon it, as the needle points to the pole. He had arisen from the lowest to the highest grade of command in actual service, and for ever submitted to the orders of his superiors, and the decisions of naval tribunals, without an animadversion. When called upon to decide upon the conduct of others, he approved or disapproved as his well-informed judgment dictated. Personal attachments, and also personal antipathies, (if he had any,) were merged and swallowed up in the paramount interest of the navy.

Thus fixed, and thus undeviating, Commodore Barron solicited the Navy Department for a re-instatement in his command in the navy. Commodore Decatur had served under him in the Mediterranean, in 1804, and succeeded him in the command of the Chesapeake frigate in 1807. From the last mentioned period to 1819, Commodore Barron had not been in actual service, although he had ever been under that pay which was established for officers in his situation. In that year, (1819,) Commodore Decatur, as Navy Commissioner, had to express his opinion in regard to the fitness of Commodore Barron to take a command in the navy. He did express it in his official capacity, and in interviews with officers of the navy.

With the "affair of the Chesapeake," in 1807, however deeply it might have wounded the honour of the navy, he had nothing to do. Commodore Barron had suffered the disabilities which a court martial adjudged; and those disabilities had ceased—the time of his suspension from service had expired. But, Commodore Decatur frankly and unreservedly declared, that "*he entertained, and still did entertain the opinion, that his conduct as an officer, since that affair, had been such, as ought for ever to bar his re-admission into the service,*" at the same time unequivocally declaring that he "*disclaimed all personal enmity toward him.*"

A long and animated correspondence commenced between these officers in June, 1819, and terminated in February, 1820. It is sincerely to be lamented that it ever met the public eye—it is deeply to be regretted that the jealous enemies of our rising navy ever pored over it with malignant satisfaction—for satisfaction it will ever be to

them to discover disaffection between our accomplished and gallant naval officers.

Without dwelling longer upon a subject pregnant with the most gloomy reflections, we must now add, that the various explanations and recriminations, between Commodores Decatur and Barron, ended in a direct call from the last to meet the first in the field of single combat, and which he accepted.

But, though the challenge came from the latter, no one who has carefully perused the correspondence, will doubt that the provocation given by the former was so pointed, that the result was contemplated. This correspondence is not now at hand, but the recollection of its taunting language is vivid and certain. We regret, most sincerely, that the profession of arms, in whatever cause, invariably induces to this practice; and we still more regret, that our own most valued officers have been victims at the shrine of this murderous custom.

While the officer of genuine honour will avoid the infliction of a wound upon the reputation of his superior, equal, or inferior, he will equally avoid that unrestrained resentment which calls upon him to violate the laws of earth, of heaven, and of honour itself. It is impossible to ascertain the degree of moral guilt between him whose provocation rouses up the spirit of revenge, and him whose vengeance can be appeased only with blood. Alas! within the last quarter of a century, our republic has been called to mourn the destruction of many of her best citizens upon that *Aceldama*—"The field of honour." A catalogue will not be attempted, for it would present an awful chasm in our greatness.

The twenty-second day of March, 1820, ought to be kept as an anniversary of grief—a day of lamentation. Upon that fatal, bloody day, the rich tribute of DECATUR's veins was poured out upon the plains of Bladensburg by the hand of a brother officer.

The accompanying friends of the militant parties, after the "*dreadful notes of preparation*" were sounded, silently waited the result. The incomparable military skill of the combatants, so often successfully exercised against the

enemies of their country, was, alas ! too fatally skilful on this awful occasion. At the same moment they both fired—at nearly the same place both inflicted a wound—at the same moment they both fell—one *mortally*, the other *severely* wounded.

Commodore Decatur was accompanied to the place allotted for the shocking catastrophe, by Commodore Bainbridge as his second, and his surgeon. Commodore Barron was accompanied by Captain Elliot as his second, and his surgeon. No explanation took place upon the field. The result of the interview has been briefly, for it could not otherwise be detailed. Who can, even at this lapse of time, expatiate over the gushing wound of Decatur in *retrospect* ? Who must not have been petrified with horror that *actually* beheld the life's blood of this unsurpassed hero, crimsoning the turf of his native country, and let forth by the hand of a native countryman, and that hand, at the same time, paralyzed by a wound all but mortal.

When the wounded combatants viewed each other at but few paces distant, with what agony must their fixed eyes have gazed ? Not from the agony of their wounds—for mere pain of body any man of fortitude will bear without a groan. But “a wounded spirit, who can bear ?” While yet the lamp of life was unextinguished in either of them, the well-nerved arms which just now pointed the deadly weapons, from which issued the unerring messengers of death, were now tremblingly extended in token of reconciliation. Oh ! why could not these stern, unyielding devotees of the delusive phantom of false honour, one hour before, have said to each other, “LIVE, AND I WILL LIVE ALSO ?”

Commodore Decatur was removed to his mansion house in Washington, languishing in the agony of approaching dissolution. A sudden and violent convulsion in nature could scarcely have produced a more agitating shock. Indeed, the laws of nature had been violated, and one of its fairest works had been prostrated. Every object, from those of the first magnitude to those of the most trifling concern, were immediately abandoned, and every thought was intensely fixed upon the *living*—the *dying* DECA-

TUR. Almost regardless of the forms which tender sensibility enjoins, when approaching the house of death and mourning, every one involuntarily rushed to the residence of the bleeding citizen and hero, who but few hours before gladdened their eyes by his presence.

Though suffering both bodily and mental agony, before the curtain dropped, he expressed his utter detestation of the manner in which he fell, a victim to the dreadful practice of single combat.

His death left a chasm in the navy which it might be presumptuous to say cannot be filled; but which, it is confidently said, cannot be filled better. It produced a sensation in the metropolis, at the moment it was announced, and through the country as the saddening intelligence spread, which never had been experienced since the fall of HAMILTON, who, like him, died in the midst of his glory and usefulness, and who, like him, acknowledged the guilt of the practice by which he fell.

During the gloomy interim between the 22d and 24th of March, every possible demonstration of respect was paid to the remains of Commodore DECATUR, by the public authorities, and every condolence which the deepest sympathy could afford, was extended to the inconsolable Mrs. Decatur.

The ardent affection and glowing patriotism of the eloquent JOHN RANDOLPH, led him to introduce a motion into the house of representatives, for the purpose of inducing a *formal* display of sorrow upon the occasion. It called forth the most unqualified eulogies on the character of the deceased hero; but lest a recorded resolution upon the subject of his funeral, or badges of mourning, might be construed into an approbation of the mode in which he died, it was deemed far more judicious to leave it to the spontaneous and voluntary effusions of sorrowing hearts, to manifest grief in a way the most appropriate to the melancholy occasion.

On the 24th, the metropolis was thronged by the largest concourse of the public authorities, civil, naval, and military; foreign ministers, strangers of distinction, and citizens, that was ever witnessed there upon a similar occa-

sion, since the corner stone of the capitol was deposited, and the foundation of the city was laid. The deepest sorrow was depicted upon every countenance; the great business of the republic was suspended in every department. At four o'clock, the late residence of the deceased hero was approached, and his remains were received by those who were to bear them to the tomb of KALORAMA. The procession was thus appropriately arranged.

Funeral firing party of Marines, with music.

Officers of the Navy of the United States.

Officers of Marine Corps.

The Clergy.

Pall Bearers.

Comm. Tingey,
Comm. Macdonough,
Gen. Jessup,
Capt. Ballard,
Lieut. M'Pherson,

} CORPSE.

Pall Bearers.

Comm. Rodgers,
Comm. Porter,
Gen. Brown,
Capt. Cassin,
Capt. Chauncey.

Relatives.

President of the United States and Heads of Departments.

Members of the Senate and House of Representatives.

Judges, Marshal, and other Civil Officers of the United States.

Officers of the Army of the United States.

The Mayors and other Civil Officers of the District.

Foreign Ministers with their Suites, and Consuls of foreign powers.

The Citizens.

The military honours of the solemn occasion, were rendered by the truly excellent Marine Corps, under the orders of their accomplished commander, Major MILLER. As the procession began its solemn movement, minute guns from the Navy Yard were commenced, and were continued during the procession and funeral service. The same cannon which had so often announced the splendid achievements of DECATUR, now marked the periods in bearing his remains from his late abode to the tomb. Their reverberating thunder mournfully echoed through the metropolis, and the surrounding region, and announced the approach of a sleeping hero to the silent cemetery.

During these solemn and impressive ceremonies, Commodore Barron was languishing upon his couch with the wound received at the moment *that* was, which carried Commodore Decatur to the tomb; the thunder of the minute guns, and the discharge of musketry, must have vibrated through a heart tortured to agony. *His* destiny was yet uncertain; he was upon the verge of *two* worlds, uncertain to which the next hour might consign him.

The course of Decatur's life points out a brilliant orb for the ocean-warrior to move in—the *manner of his death*, a destructive vortex to shun. But living, he was admired; dying, he was lamented; and his memory will be cherished in fond remembrance, as long as ardent patriotism, fearless courage, and exalted virtues, shall receive an approving sentence in the human heart.

STEPHEN DECATUR was created and constituted for an ocean-warrior. His whole nature was peculiarly adapted to the perilous and brilliant sphere of action upon the watery element. That is the expanded theatre upon which he was designed to act the most important parts, and shine illustrious in the most tremendous scenes. To his natural adaptation for a seaman, he added all the auxiliary aids of scientific acquirement. He first made himself a general scholar—then a theoretical navigator—then a practical seaman. Before his nautical skill, the rolling and convulsed ocean lost half of its appalling horrors; and its hideous tempests seemed to become subservient to his wishes.

But this important trait in his character was almost forgotten in his more brilliant acquirement of *naval tactics*. He was the accomplished naval tactician. The most minute branches of naval science never escaped his attention, and the most important ones never exceeded his comprehension. The various manœuverings of a ship or a squadron, were as familiar with him, as the evolutions of an army to the scientific military officer. Whether encountering the enemy in the humble galley, or breasting the shock of battle in the majestic ship, he bore his action as if the Genius of Victory hovered over him, and gave him conquest in anticipation. When in the midst of an

engagement, he fearlessly and undauntedly soared in columns of fire and smoke, and with the fury and velocity of lightning, charged upon the astonished foe. His own personal safety occupied not a single thought; his fearless soul was engrossed with the safety of his crew and his ship, and the destruction of the enemy. But the moment the thundering cannon ceased their terrific roaring, and the battle-fray was ended, he was changed into a ministering spirit of mercy. Over his slain enemy, he dropped a tear; to a wounded one he imparted consolation; he mingled his sighs with the groans of the dying, and rendered every honour to the gallant dead.

Whether encountering an overwhelming host of furious Turks, equally regardless of honourable combat, and thankless for favours after they were conquered; or wrestling victory from a more magnanimous and skilful foe, he was ever the same—terrible and fearless in battle—mild and humane in victory.

As a *Naval Officer*, he was as perfect a model as the world afforded. To his superiors in rank, he was respectful; to his equals, generous and affectionate; to his inferiors mild, humane, and condescending; he was the seaman's friend. As a disciplinarian, he never spared himself, nor would he permit any under his command to be spared: but he had the peculiar felicity of rendering the severest duty the highest pleasure. He governed his men more by the respect and love he secured from them, than by the exertion of the power with which he was clothed. He infused into the bosoms of his officers and seamen, the noble and patriotic ardour which inspired his own exalted heart. They would follow him wherever he led, and would lead wherever he ordered. They were as true to him as their souls were to their bodies; and would suffer *them* to be separated before they would desert *him* in the hour of peril. When designated as a judge of the merits or demerits of his brethren in the naval service, his philanthropy led him to give full credit to their virtues in exalted or humble stations, while his stern integrity made him a dignified censor over their errors.

But however high he stood in his profession as a naval

commander, it was in the mild and captivating scenes of peace, where he shone with unclouded lustre. His heart was the temple of benevolence; his mind was refined by literature and science; his deportment was that of the polished gentleman.

In his person, he was a little above the middling height, and rather delicately though elegantly formed. His countenance was all expression. His eye discovered that inquietude which indicates an ardent mind; and, although it beamed with benignity, it evinced an impatience for action. While his manly and dignified virtues commanded respect, the suavity of his manners invited to familiarity. His high sense of honour forbade him to inflict a wound upon others; and, with the majesty of virtue, to repel with indignation the most remote suspicion of his own honour.

But his love of country was his crowning glory. His whole life was a commentary upon the noble sentiment of his noble ancestor—

“CHILDREN ARE THE PROPERTY OF OUR COUNTRY.”

For his country he lived—for his country he fought—his countrymen will cherish and admire his memory, until its name shall be extinguished.

The following is a brief chronological recapitulation of the events of Commodore Decatur's life, during the twenty-two years which he spent in the naval service of his country.

In 1798, he entered on board the United States frigate as midshipman; and for his good conduct was promoted to a lieutenantcy, while the country was engaged in war against the French republic.

In 1799, he was first lieutenant of the brig Norfolk.

In 1800, he was acting lieutenant in the United States, convoying merchantmen, and chastising the French.

In 1801, he was first lieutenant of the frigate Essex, while in the Mediterranean, and fighting the Tripolitans.

In 1802, he was first lieutenant of the New York, and returned to America in the Chesapeake.

In 1803, he was lieutenant commandant of the brig Argus. Also, in the same office, on board the schooner Enterprise, in which he attacked and captured a Tripoli-

tan corsair, which he named the ketch *Intrepid*. On board this ketch, of four guns and seventy men, he captured, by boarding, the frigate *Philadelphia*, of 54 guns, and seven hundred and fifty men. Thirty of the enemy were killed, and one hundred and twenty wounded, and the ship burnt under the Bashaw's castle, on the 16th of February. No Americans killed. In August, he commanded a division of gun-boats, and in No. 4, having but one gun, charged nine boats, having three guns and forty men each. Captured a large boat, and secured the prize. His brother, James, having been treacherously slain, he returned to the combat with a midshipman, and eight men, captured the Turk's boat who slew his brother, and shot him. In both prizes, thirty-three of the enemy were slain, while he lost not a man!

In the same year, he was appointed captain of the *Constitution*, to rank from February 16. In this ship he blockaded the enemy, awaiting negotiations ashore. He was also captain of the frigate *Congress*, and returned to America at the conclusion of the Tripolitan war.

In 1805, he was appointed superintendent of American gun-boats, teaching modes of attack and defence.

In 1807, after the affair of the *Leopard*, he was in the Chesapeake, as commodore of the southern squadron, watching foreign ships on the American coast, and enforcing the acts of congress.

In 1811, he was again commander of the United States; and,

In 1812, sailed in a squadron commanded by Commodore Rogers, in the war against Great Britain; and, on the 25th of October, captured the frigate *Macedonian*, of 49 guns.

In 1813, he was blockaded, with his squadron, in New London harbour, where it remained to the close of the war.

In 1815, while in the President, with the sloops of war *Hornet* and *Peacock*, he met and beat the *Endymion*, but finally surrendered to a whole British squadron.

In the same year, in a war against the Barbary powers, having under his command the frigates *Guerriere*, *Mace-*

donian, and Constellation, he captured the Algerine frigate, Mazouda, killed the captain and thirty men, June 17. Two days afterwards, captured a brig of twenty-two guns; arrived at Algiers on the 28th, and concluded a treaty on the 30th.

On the 31st of July, he arrived at Tunis, and demanded \$46,000 indemnification; and on the 9th of August, demanded of the Bey of Tripoli \$25,000. Arrived at Messina, and left the Neapolitan captives included by him in treaty the 2d of September. Corresponded with the king of Naples, whose thanks he received on the 8th. Arrived at Gibraltar, joining Commodore Bainbridge on the 18th; and on the 12th of November arrived in America. Appointed Navy Commissioner, a post which he filled with honour, till,

In 1820, he fell in single combat, on the 22d of March, adding nothing to national or individual honour.

DAVID PORTER.

THE subject of the following memoir was the son of Captain David Porter, and was born in Boston on the 1st of February, 1780. His father had been an officer in the American navy, during the revolutionary war; and after its conclusion was appointed to the command of the revenue cutter *Active*, and removed with his family to Baltimore.

The constitution of young Porter was delicate; but his mind was bent on the profession of a seaman. He made his first voyage with his father, to the West Indies, at the age of sixteen; and his second, as mate of a ship, from Baltimore to St. Domingo. In this voyage, his address, courage, and constitution, were put to the trial. He was twice impressed on board a British ship, and as many times effected his escape. Being destitute of money, he was obliged to work his passage home, in a cold season, without the clothing necessary to his health and comfort.

He afterwards obtained a midshipman's warrant, on board the *Constellation*, Commodore Truxton; and was in the action with the French frigate *L'Insurgente*. His conduct in this action procured for him the commission of a lieutenant, on board the same ship, under Commodore Barron. He went next on board the United States' schooner *Experiment*, under Captain Maley, cruising on the coast of Hispaniola, fighting the brigands, and annoying their harbours in his boat. In the *Amphitrite*, a pilot boat schooner, with five small swivels taken from the tops of the *Constellation*, and fifteen hands, he engaged a French privateer, mounting one long twelve pounder and several swivels, manned with a crew of forty men, and accompanied by a prize ship, and a large barge with thirty men. and armed with swivels. With this fearful odds

against him, and notwithstanding the loss of his rudder in the engagement, he made prize of the privateer and ship, without the loss of a man ; though several were wounded, and his vessel much injured. Seven were killed on board the privateer, and fifteen wounded.

After his return from this voyage, he went to the West Indies again, as first lieutenant of the *Experiment*, commanded by Captain Charles Stewart. At this time, French privateers were particularly troublesome to the American commerce ; but the appearance of the *Experiment*, and the vigour of her operations, struck such an awe into those commissioned bucaniers, as effectually to repress their depredations, and shut them within their own harbours. From the *Experiment*, both Captain Stewart and Lieutenant Porter were translated to the schooner *Enterprise*, on her going with the first squadron to the Mediterranean. The *Enterprise* engaged a Tripolitan corsair of very superior force, and after a most severe conflict, in which the *Enterprise* made great havoc among the enemy, and suffered little, was eventually the conqueror. On this, and on all other occasions, while on that station, whether in harbours or at sea, in open battle or on desperate enterprises, the valour, skill, and promptitude of Lieutenant Porter were conspicuous, and called forth the applause of his superiors and companions in arms. In one of these hazardous exploits he was wounded in the left thigh. He joined the frigate *Philadelphia*, Captain Bainbridge, at Gibraltar, in September, 1803. Off the harbour of Tripoli, on the 31st October, in fine weather, the *Philadelphia* gave chase to a Tripolitan armed ship, and, in the pursuit, ran foul of a rock. After ineffectual endeavours to float the ship, the whole crew and officers surrendered, and were carried prisoners to the city of Tripoli. There was a passage under the rooms where the officers were confined, through which the American sailors, employed on the public works, were in the habit of passing. From one of the rooms of this passage, a communication was opened with the sailors through a small hole in the wall. In an unguarded, or unlucky moment, this communication was discovered, and information given to the Bashaw. Suddenly the

officer having the charge of the castle, rushed into the room, and demanded who had the presumption to do the forbidden deed. To this demand Porter answered coolly, that he was the author. He was immediately dragged away; but to what fate, his friends neither knew, nor could be informed. In this state of uncertainty they remained, until relieved by the appearance of Porter. During this confinement, Lieutenant Porter found refuge from the irksomeness of restraint, in an habitual fondness for study. In his books, of which he procured a competent number, he enjoyed an agreeable society, always ready, and never intrusive or importunate. History, drawing, the French language, mathematics, and the theory of his profession, improved, while they amused his mind, and enabled him to think afterwards that his days of captivity had not been wholly lost, or painful, or unprofitable. What he thus acquired he was ready to communicate, and in this manner made others partakers in the alleviations which he had enjoyed.

After the establishment of peace with this regency, the American captives were set at liberty; and Lieutenant Porter with his companions returned to the pursuit of their several vocations and the performance of their respective duties.

At Syracuse, to which place they took shipping after their release, a court of inquiry was held on the causes of the loss of the Philadelphia, which resulted in the honourable acquittal of the officers of that ship. He was then appointed to the command of the brig Enterprise, and ordered to Tripoli. He availed himself of the latitude of his orders to visit the ruins of the Roman colony of Leptis Magna, and here the art of drawing, which he had cultivated while in prison at Tripoli, was called delightfully and profitably into use. The remnants of ancient magnificence called forth sublime and solemn emotions, afforded sensible evidence of the power and elegance of the wonderful nation with whom it once existed, and confirmed the impressions which the pen of history had created. The speculations and researches of Porter and his friends were rewarded with the discovery of neglected specimens

of ancient art. Coins, statues, and massy pillars, here and there appeared among the general desolation to awaken the glowing mind of the traveller "disturbed, delighted, raised, refined," as he wandered over classic ground, or regaled amid the fragments of the temple of Jupiter.

In the Mediterranean, Captain Porter found it necessary on more than one occasion, to vindicate the honour of his national flag, and give those who might be inclined to undervalue it to feel that they were wrong in their estimate of its relative importance. For some insult which was offered to the brig in the persons of the officers and crew, Captain Porter had caused the author, an English sailor, to be flogged at the gangway. The Governor of Malta, where the brig then lay at anchor, took up the affair with much apparent spirit, and directed the forts to prevent the *Enterprise* from departing. Information being given to Captain Porter of this proceeding, he instantly made sail, and passed the batteries with lighted matches, and in the attitude of firing upon the town, should any obstruction be thrown in his way: very prudently, no such measure was attempted.

Afterwards, in passing through the Straits of Gibraltar, in sight of the town and of the British squadron in the harbour, he was attacked by twelve Spanish gun-boats. Although the superiority was manifestly on their side, he compelled them to retire, leaving an impression, both on the assailants and on the spectators, advantageous as well as honourable to the little navy of his country.

Affairs in the Mediterranean being somewhat composed, Captain Porter returned after an absence of five years, and connected himself in marriage with the daughter of the Hon. Mr. Anderson, member of Congress from Pennsylvania.

He was next ordered to command the flotilla on the New Orleans station. The embargo and non-intercourse laws were vigorously and faithfully enforced, and, in particular, a stop was put to the depredations of a French pirate who had long infested the Mississippi, in an armed schooner, and seemed to think himself out of the reach of the arm of justice. This marauder, Porter captured, and

thus rendered an important service to the commerce of the southern coast of the United States.

Thinking his health in danger from a climate little adapted to his constitution, he was at his request appointed to command the Essex frigate at Norfolk. In this frigate he sailed from New York on the third of July, 1812. War then existing between the United States and Great Britain, he was attacked by the British sloop of war Alert, Captain Laugharne. The ship bore down confidently upon the weather quarter of the Essex, gave three cheers, and commenced action, but in a few minutes surrendered. She was the first ship of war taken from the enemy; and her flag, the first British flag sent to the seat of government during the late war.

Agreeable to the orders of Commodore Bainbridge, and to a plan concerted between them, Captain Porter having repaired his ship, sailed from the Delaware on the 27th of October, 1812, for the coast of Brazil. Fortune threw in his way his Britannic Majesty's packet, Nocton, having on board 11,000 pounds sterling, in money. This vessel he captured, and after taking out her money, sent her to America.

About this time, circumstances concurred to render it inexpedient for him to remain longer on that coast. Commodore Bainbridge, after the capture of the Java, would, in all probability, be under the necessity of returning to port for repairs: the Hornet had been captured by the Montague, and the coast was swarming with hostile ships, in pursuit of him; so that co-operation and assistance were removed from him, at the very time they were most needed. Under these circumstances, he judged it prudent to quit a station so full of peril, and seek another which afforded equal prospect of honour and advantage, with greater safety. Accordingly, he stretched along the south-east coast of America, intending to reap his harvest on the waves of the southern Pacific. He doubled Cape Horn, in very tempestuous weather; and arrived at Valparaiso, on the 14th March, 1813. Having exhausted his provisions, he replenished his ship at this port. Previous to this time, the South Americans had felt themselves

at liberty to make prize of the whaling vessels, from North America, and prisoners of their crews: their apology was, that they were the allies of the enemies of the United States; and that Spain would probably, in a short time, make common cause with her ally, and declare war against her enemy. These reasons appearing to actuate the Peruvian captain, and likely to continue to influence his conduct, when future opportunity should present; but appearing wholly insufficient in the view of Captain Porter, he resolved to take from the Peruvian the means of future annoyance, and threw all his guns and ammunition into the sea. On board this vessel were twenty-four Americans, the crews of two whalemén, held prisoners; whom Captain Porter liberated, and wrote an account of his proceedings to the Viceroy, which contained his reasons for so doing. Captain Porter afterwards retook one of the whalemén as she was entering the harbour of Lima.

The British government probably had not expected so formidable and so troublesome a visiter, in that part of the world. At the period of the arrival of the *Essex*, her course was without obstruction from the enemy, and his commerce exposed to capture, without any protection, and without the suspicion of danger. Great destruction was the unavoidable consequence, especially among the whaling vessels. The *Essex* junior, of twenty guns, was one of his prizes; and the command of her given to Lieutenant Downes: most of them had valuable cargoes on board; some of them were sent home, some of them were laid up in Valparaiso, and the rest disposed of in different ways.

With as many vessels under his command as he could conveniently man, he was in a condition, for a time, to sweep the Pacific. His prizes furnished him abundantly with provisions, clothing, medicine, naval stores, and the means of making liberal payments to his officers and men. Great consternation prevailed, not only throughout this sea, but penetrated the insurance offices of Great Britain. Accordingly, ships were despatched in various directions for the capture of this force. Some were ordered to the eastern as well as to the western coast of South America;

and others to cruise in the China seas, and off New Zealand, Timor, and New Holland. Porter anticipated such an event; and his dispositions were such, that accident alone could effect the object of his pursuers. His course was trackless; sometimes in the open ocean, and sometimes among the uninviting and unfrequented islands of the South Sea: but never on the coast of the continent. Distracted by surmises, arising from indistinct and contradictory information, his enemies found themselves, at all times, either too late, or entirely out of their way. Their difficulties were aggravated by the superior means of information which he enjoyed, in addition to the advantage naturally possessed, by the party pursued, over the party pursuing, the object of the one being to attain a single given point; that of the other, to avoid it, among an infinite number of others. Lieutenant Downes learned at Valparaiso, whither he had convoyed the prizes, that Commodore Hillyer, in the *Phœbe* frigate, rated at thirty-six guns, with two sloops of war, was expected. With the intention of closing his expedition to this sea, with something more brilliant than the capture of merchantmen and whalers, Captain Porter proceeded to the island of Nooaheevah, one of the Washington group, for repairs. On the 19th of November, 1813, Captain Porter took formal possession of this island, in behalf of the United States of America, by the name of Madison Island. It is situate between the latitudes of 9 and 10 S., and in long. 140 W. from Greenwich, and is large, fertile, and populous. The natives of that part of the island where he landed were friendly; supplying him abundantly with provisions, and gladly receiving assistance from him, in a war then carried on with some neighbouring tribes, whom he reduced to subjection. Having completely manned his ship, and supplied her with provisions and stores for four months, and having secured, under the guns of the battery, the three prizes which he had brought with him, he sailed for the coast of Chili, on the 12th December, 1813. From cruising on the coast, he proceeded to Valparaiso, where Commodore Hillyer, then in quest of him, afterwards arrived. Of the action which ensued in the month of March

afterwards, and of the hopes, feelings, and expectations of Commodore Porter on that occasion, no better account can be given, than by introducing extracts from his letter on that subject, to the Secretary of the Navy, dated at sea, July 3, 1814.

Extracts of a letter from Commodore Porter, to the Secretary of the Navy, dated at sea, July 3, 1814.

“I had done all the injury that could be done to the British commerce in the Pacific, and still hoped to signalize my cruise by something more splendid, before leaving that sea. I thought it not improbable that Commodore Hillyer might have kept his arrival secret, and believing that he would seek me at Valparaiso, as the most likely place to find me, I therefore determined to cruise about that place, and should I fail of meeting him, hoped to be compensated by the capture of some merchant ships, said to be expected from England.

“The *Phœbe*, agreeable to my expectations, came to seek me at Valparaiso, where I was anchored with the *Essex*; my armed prize, the *Essex Junior*, under the command of Lieutenant Downes, on the look out off the harbour. But, contrary to the course I thought he would pursue, Commodore Hillyer brought with him the *Cherub* sloop of war, mounting twenty-eight guns, eighteen thirty-two pound carronades, eight twenty-fours, and two long nines on the quarter-deck and forecastle, and a complement of 180 men. The force of the *Phœbe* is as follows: thirty long eighteen pounders, sixteen thirty-two pound carronades, one howitzer, and six three pounders in the tops; in all fifty-three guns, and a complement of 320 men; making a force of eighty-one guns, and five hundred men; in addition to which they took on board the crew of an English letter of marque lying in port. Both ships had picked crews, and were sent into the Pacific, in company with the *Raccoon* of twenty-two guns, and a store-ship of twenty guns, for the express purpose of seeking the *Essex*; and were prepared with flags bearing the motto, ‘God and country: British sailors’ best rights; traitors offend both.’ This was intended as a reply to my motto, ‘FREE TRADE

AND SAILORS' RIGHTS,' under the erroneous impression that my crew were chiefly Englishmen, or to counteract its effect on their own crews. The force of the Essex was forty-six guns, forty thirty-two pound carronades, and six long twelves; and her crew, which had been much reduced by manning prizes, amounted only to two hundred and fifty-five men. The Essex Junior, which was intended chiefly as a store-ship, mounted twenty guns, ten eighteen pound carronades, and ten short sixes, with only sixty men on board. In reply to their motto, I wrote at my mizen, *'God, our country, and liberty; tyrants offend them.'*

"On getting their provisions on board, they went off the port for the purpose of blockading me, where they cruised for near six weeks; during which time I endeavoured to provoke a challenge, and frequently, but ineffectually, to bring the Phœbe alone to action, first with both my ships, and afterwards with my single ship, with both crews on board. I was several times under way, and ascertained that I had greatly the advantage in point of sailing, and once succeeded in closing within gun-shot of the Phœbe, and commenced a fire on her, when she ran down for the Cherub, which was two and a half miles to leeward; this excited some surprise and expressions of indignation, as previous to my getting under way, she hove to off the port, hoisted her motto flag, and fired a gun to windward. Commodore Hillyer seemed determined to avoid a contest with me on nearly equal terms, and from his extreme prudence in keeping both his ships ever after constantly within hail of each other, there were no hopes of any advantages to my country from a longer stay in port. I therefore determined to put to sea the first opportunity which should offer; and I was the more strongly induced to do so, as I had gained certain intelligence that the Tagus, rated thirty-eight, and two other frigates, had sailed for that sea in pursuit of me; and I had reason to expect the arrival of the Racoon from the north-west coast of America, where she had been sent for the purpose of destroying our fur establishment on the Columbia. A rendezvous was appointed for the Essex Junior, and every arrangement made for sailing; and I intended to let them chase me off, to

give the Essex Junior an opportunity of escaping. On the 28th of March, the day after this determination was formed, the wind came on to blow fresh from the southward, when I parted my larboard cable and dragged my starboard anchor directly out to sea. Not a moment was to be lost in getting sail on the ship. The enemy were close in with the point forming the west side of the bay; but on opening them, I saw a prospect of passing to windward, when I took in my top-gallant sails, which were set over single reefed topsails, and braced up for this purpose; but on rounding the point, a heavy squall struck the ship and carried away her main topmast, precipitating the men who were aloft into the sea, who were drowned. Both ships now gave chase to me, and I endeavoured in my disabled state to regain the port; but finding I could not recover the common anchorage, I ran close into a small bay, about three quarters of a mile to leeward of the battery, on the east side of the harbour, and let go my anchor within pistol shot of the shore, where I intended to repair my damages as soon as possible. The enemy continued to approach, and showed an evident intention of attacking, regardless of the neutrality of the place where I was anchored; and the caution observed in their approach to the attack of the crippled Essex, was truly ridiculous, as was their display of their motto flags, and the number of jacks at all their mast heads. I, with as much expedition as circumstances would admit of, got my ship ready for action, and endeavoured to get a spring on my cable, but had not succeeded when the enemy, at fifty-four minutes after three, P. M., made his attack, the Phœbe placing herself under my stern, and the Cherub on my starboard bow: but, the Cherub soon finding her situation a hot one, bore up and ran under my stern also, where both ships kept up a hot raking fire. I had got three long twelve pounders out of the stern ports, which were worked with so much bravery and skill, that in half an hour we so disabled both, as to compel them to haul off to repair damages. In the course of this firing, I had, by the great exertions of Mr. Edward Barnewell, the acting sailing master, assisted by Mr. Linscott, the boatswain, succeeded in getting springs on our cable three dif-

ferent times ; but the fire of the enemy was so excessive, that before we could get our broadside to bear, they were shot away, and thus rendered useless to us.

“ My ship had received many injuries, and several had been killed and wounded ; but my brave officers and men, notwithstanding the unfavourable circumstances under which we were brought to action, and the powerful force opposed to us, were no ways discouraged—all appeared determined to defend their ship to the last extremity, and to die in preference to a shameful surrender. Our gaff, with the ensign and motto flag at the mizen, had been shot away, but FREE TRADE AND SAILORS’ RIGHTS continued to fly at the fore. Our ensign was replaced by another ; and to guard against a similar event, an ensign was made fast in the mizen rigging, and several jacks were hoisted in different parts of the ship. The enemy soon repaired his damages for a fresh attack. He now placed himself, with both his ships, on my starboard quarter, out of the reach of my carronades, and where my stern guns could not be brought to bear ; he there kept up a most galling fire, which it was out of my power to return, when I saw no prospect of injuring him without getting under way, and becoming the assailant. My topsail sheets and haultards were all shot away, as well as the jib and fore topmast staysail haultards. The only rope not cut was the flying jib haultards ; and that being the only sail I could set, I caused it to be hoisted, my cable to be cut, and ran down on both ships, with an intention of laying the *Phœbe* on board. The firing on both sides was now tremendous ; I had let fall my fore topsail and foresail, but the want of tacks and sheets rendered them almost useless to us—yet we were enabled, for a short time, to close with the enemy ; and although our decks were now strewed with dead, and our cockpit filled with wounded—although our ship had been several times on fire, and was rendered a perfect wreck, we were still encouraged to hope to save her, from the circumstance of the *Cherub*, from her crippled state, being compelled to haul off. She did not return to close action again, although she apparently had it in her power to do so, but kept up a distant firing with her long guns. The

Phœbe, from our disabled state, was enabled, however, by edging off, to choose the distance which best suited her long guns, and kept up a tremendous fire on us, which mowed down my brave companions by the dozen. Many of my guns had been rendered useless by the enemy's shot, and many of them had their whole crews destroyed. We manned them again from those which were disabled, and one gun in particular was three times manned—fifteen men were slain at it in the course of the action! but, strange as it may appear, the captain of it escaped with only a slight wound.

“Finding that the enemy had it in his power to choose his distance, I now gave up all hopes of closing with him, and, as the wind, for the moment, seemed to favour the design, I determined to endeavour to run her on shore, land my men, and destroy her. Every thing seemed to favour my wishes. We had approached the shore within musket shot, and I had no doubt of succeeding, when, in an instant, the wind shifted from the land (as is very common in this port in the latter part of the day) and payed our head down on the Phœbe, where we were again exposed to a dreadful raking fire. My ship was now totally unmanageable; yet, as her head was towards the enemy, and he to leeward of me, I still hoped to be able to board him. At this moment Lieutenant Commandant Downes came on board to receive my orders, under the impression that I should soon be a prisoner. He could be of no use to me in the then wretched state of the Essex; and finding (from the enemy's putting his helm up) that my last attempt at boarding would not succeed, I directed him, after he had been about ten minutes on board, to return to his own ship, to be prepared for defending and destroying her in case of an attack. He took with him several of my wounded, leaving three of his boat's crew on board to make room for them. The Cherub now had an opportunity of distinguishing herself, by keeping up a hot fire on him during his return. The slaughter on board my ship had now become horrible, the enemy continuing to rake us, and we unable to bring a gun to bear. I therefore directed a hawser to be bent to the sheet anchor, and the an-

chor to be cut from the bows, to bring her head round ; this succeeded. We again got our broadside to bear, and as the enemy was much crippled, and unable to hold his own, I have no doubt he would soon have drifted out of gun-shot, before he discovered we had anchored, had not the hawser unfortunately parted. My ship had taken fire several times during the action, but alarmingly so forward and aft at this moment ; the flames were bursting up each hatchway, and no hopes were entertained of saving her ; our distance from the shore did not exceed three quarters of a mile, and I hoped many of my brave crew would be able to save themselves, should the ship blow up, as I was informed the fire was near the magazine, and the explosion of a large quantity of powder below, served to increase the horrors of our situation—our boats were destroyed by the enemy's shot ; I therefore directed those who could swim to jump overboard, and endeavour to gain the shore. Some reached it, some were taken by the enemy, and some perished in the attempt ; but most preferred sharing with me the fate of the ship. We who remained, now turned our attention wholly to extinguishing the flames ; and when we had succeeded, went again to our guns, where the firing was kept up for some minutes ; but the crew had by this time become so weakened, that they all declared to me the impossibility of making farther resistance, and entreated me to surrender my ship to save my wounded, as all farther attempts at opposition must prove ineffectual, almost every gun being disabled by the destruction of their crews. I now sent for the officers of divisions, to consult them ; but what was my surprise, to find only acting Lieutenant Stephen Decatur M'Knight remaining, who confirmed the report respecting the condition of the guns on the gun-deck—those on the spar-deck were not in a better state.

“Lieutenant Wilmer, after fighting most gallantly throughout the action, had been knocked overboard by a splinter, while getting the sheet anchor from the bows, and was drowned. Acting Lieutenant J. G. Cowell had lost a leg ; Mr. Edward Barnewell, acting sailing-master, had been carried below, after receiving two severe wounds,

one in the breast and one in the face ; and acting Lieutenant William H. Odenheimer had been knocked overboard from the quarter an instant before, and did not regain the ship until after the surrender. I was informed that the cockpit, the steerage, the wardroom, and the berthdeck, could contain no more wounded ; that the wounded were killed while the surgeons were dressing them, and that, unless something was speedily done to prevent it, the ship would soon sink, from the number of shot holes in her bottom. And, on sending for the carpenter, he informed me that all his crew had been killed or wounded, and that he had once been over the side to stop the leaks, when his slings had been shot away, and it was with difficulty he was saved from drowning. The enemy, from the smoothness of the water, and the impossibility of our reaching him with our carronades, and the little apprehension that was excited by our fire, which had now become much slackened, was enabled to take aim at us as at a target ; his shot never missed our hull, and my ship was cut up in a manner which was perhaps never before witnessed ; in fine, I saw no hopes of saving her, and at twenty minutes after six, P. M., gave the painful order to strike the colours. Seventy-five men, including officers, were all that remained of my whole crew, after the action, capable of doing duty, and many of them severely wounded, some of whom have since died. The enemy still continued his fire, and my brave, though unfortunate companions, were still falling about me. I directed an opposite gun to be fired, to show them we intended no farther resistance ; but they did not desist ; four men were killed at my side, and others in different parts of the ship. I now believed he intended to show us no quarters, and that it would be as well to die with my flag flying as struck, and was on the point of again hoisting it, when about ten minutes after hauling the colours down, he ceased firing.

“ We have been unfortunate, but not disgraced ; the defence of the Essex has not been less honourable to her officers and crew, than the capture of an equal force ; and I now consider my situation less unpleasant than that of Commodore Hillyer, who, in violation of every principle

of honour and generosity, and regardless of the rights of nations, attacked the *Essex* in her crippled state, within pistol shot of a neutral shore ; when, for six weeks, I had daily offered him fair and honourable combat, on terms greatly to his advantage ; the blood of the slain must be on his head ; and he has yet to reconcile his conduct to Heaven, to his conscience, and to the world.

“ I must, in justification of myself, observe, that with our six twelve pounders only, we fought this action, our caronades being almost useless.

“ The loss, in killed and wounded, has been great with the enemy ; among the former is the first Lieutenant of the *Phœbe*, and of the latter, Captain Tucker of the *Cherub*, whose wounds are severe. Both the *Essex* and *Phœbe* were in a sinking state, and it was with difficulty they could be kept afloat until they anchored in Valparaiso next morning. The battered state of the *Essex* will, I believe, prevent her ever reaching England ; and I also think it will be out of their power to repair the damages of the *Phœbe*, so as to enable her to double Cape Horn.

“ In justice to Commodore Hillyer, I must observe, that (although I can never be reconciled to the manner of his attack on the *Essex*, or to his conduct before the action,) he has, since our capture, shown the greatest humanity to my wounded, (whom he permitted me to land, on condition that the United States should bear their expenses,) and has endeavoured, as much as lay in his power, to alleviate the distresses of war, by the most generous and delicate deportment towards myself, my officers, and crew ; he gave orders that the property of every person should be respected.

“ To possess the *Essex*, it has cost the British government near six millions of dollars, and yet, sir, her capture was owing entirely to accident ; and if we consider the expedition with which naval contests are now decided, the action is a dishonour to them.

“ During the action, our Consul-General, Mr. Poinsett, called on the Governor of Valparaiso, and requested that the batteries might protect the *Essex*. This request was refused ; but he promised that if she should succeed in fighting her way to the common anchorage, he would send

an officer to the British commander, and request him to cease firing, but declined using force under any circumstances ; and there is no doubt a perfect understanding existed between them. This conduct, added to the assistance given to the British, and their friendly reception after the action, and the strong bias of the faction which governs Chili in favour of the English, as well as their hostility to the Americans, induced Mr. Poinsett to leave that country. Under such circumstances, I did not conceive it would be proper for me to claim the restoration of my ship, confident that the claim would be made by my government to more effect. Finding some difficulty in the sale of my prizes, I had taken the Hector and Catharine to sea, and burnt them with their cargoes."

On Commodore Porter's return to the United States, he was received with that eclat to which the brilliancy of his actions entitled him. He assisted at the defence of Baltimore, and on the return of peace, congress having established a Navy Board to assist the operations of the Navy Department, he was appointed one of the three commissioners to whom its direction was confided.

The editor has no clue to guide him in determining how long the commodore served in this station, nor is the inquiry important. Whether he resigned an unthankful office to engage in a more active, and evidently a more hazardous employment, is uncertain, but is very probable. How his labours in the cause of his country closed, and how he was rewarded, may be seen in the following

Synopsis of the Trial of Commodore Porter, before a General Court Martial, held at Washington, July 7, 1825, and continued by adjournment to the 13th day of August.

That the reader may be apprized of the historical circumstances connected with, and eventuating in, the result of this trial, a brief but comprehensive view of the orders which he is said to have disobeyed, and those acts which were laid to his charge as the foundation of proceedings against him, will now be attempted.

On the 1st of February, 1823, orders and instructions

were received by the Commodore, to the following effect:—He was appointed to the command of a squadron, “to cruise in the West India seas and Gulf of Mexico, for the purpose of repressing piracy, and affording effectual protection to the citizens and commerce of the United States.” The instructions direct him “to guard the rights, both of person and property of the citizens of the United States, wherever it shall become necessary.” Again—“Should, therefore, the crews of any vessels, which you have seen engaged in acts of piracy, or which you have just cause to suspect of being of that character, retreat into the ports, harbours, or settled parts of the islands, you may enter, in pursuit of them, such ports, harbours, and settled parts of the country, for the purpose of aiding the local authorities, or people, as the case may be, to seize and bring the offenders to justice, previously giving notice that this is your sole object. Where a government exists, and is *felt*, you will, in all instances, respect the local authorities, and only act in aid of, and co-operation with them.” So far, extracts from the instructions. The reader will now be informed of the transactions charged to Commodore Porter, as disobedience of orders.

In the morning of October 4th, 1824, a clerk to Cabot and Bailey, commercial agents at St. Thomas, went on board the *Beagle*, commanded by Lieutenant Platt, then lying in the harbour, giving information that their store had been robbed of goods to the amount of \$5,000. The Lieutenant, as requested, went in search of the goods to Foxardo, at the east end of Porto Rico, for which place he had the best authority for believing the goods were destined. On the evening of the 26th, he anchored in the harbour of Foxardo, with American colours flying. Next morning, the post captain sent his compliments on board, desiring to see the commander. He landed—was at first treated with respect, both by the captain of the port, and the Alcalde—and afterwards made a prisoner, under the pretence that he was no better than a pirate, though his commission was exhibited, and his orders to act as commandant from Commodore Porter. In the evening he was liberated, and returned on board the *Beagle*.

During this transaction, nothing was more evident, than that the Alcalde was under an influence which he dared not avow; a popular, or rather piratical force, which he dared not to disobey, was his counsellor in action. The character and standing of the commander were known to him and to the populace, and the Alcalde knew, that in the steps which were taken, *he* was the tool and accessory of pirates.

When the Commodore received information of the insult which had been offered to the American flag, in the person of Lieutenant Platt, he determined to seek redress, or to receive an apology. He visited Foxardo with a considerable force—landed a number of men—sent a flag of truce into the village—spiked two guns—met the Alcalde, and received a satisfactory apology. The magistrate admitted that he confined Mr. Platt, knowing him to be an officer in the American navy, but stated that he had been *compelled to do it by others!* The *people*, and the *reasons* which dictated this measure, cannot well be misunderstood. The people were evidently pirates, and the reasons which induced the measure of confining the officer, were to prevent a discovery of the goods, and the punishment of the robbers.

From an examination of all the testimony offered before the court, nothing can be plainer, than that Commodore Porter acted strictly within his orders; and that persons, even the persons of those who exhibited obvious tokens of being *land-locked pirates*, and all private property, were duly respected. No complaint was made that the two guns were spiked; a justification of this act was too easy a matter for an attempt to fault it.

After the apology, the Commodore and his men were politely invited into the village, but the invitation was declined. On the beach, the men received refreshments, for which payment was refused, and the final separation of the parties was marked by tokens of mutual satisfaction.

The Commodore's report of these proceedings was received by the navy department on the 4th of December. On the 27th, more than three weeks after the receipt of the report above noticed, a resolution of the house of repre-

sentatives requested the President to communicate information relative to the proceedings of the West India squadron; and on the same day, the Secretary of the Navy issued an order to the Commodore, to repair to the United States, for the purpose of investigating the subject of his communication relating to the Foxardo affair.

Soon after his arrival, a court of inquiry was instituted, and finally a general court martial, the latter of which was constituted as follows:—

Captain James Barron, President.

Capt. Thomas Tingey,	Capt. Jesse D. Elliot,
James Biddle,	James Renshaw,
Charles G. Ridgely,	Thomas Brown,
Robert T. Spence,	Chas. C. B. Thompson,
John Downes,	Alex. S. Wadsworth,
John D. Henley,	George W. Rogers.

Richard S. Coxe, Judge Advocate.

When the Commodore was requested to state if he excepted to any member of the court, he offered objections to the Judge Advocate; first, as to the regularity of his appointment; and, secondly, to the temper and bias of his mind, in regard to this particular case. We shall waive a particular notice of the first, as being more technical than important, and attend to the facts in support of the second exception. Mr. Coxe had published an anonymous piece in the *National Journal*, distinctly asserting the truth of one of the specifications, and so pledged his credit in a way utterly incompatible with the requisite impartiality. He had also in press, a pamphlet labouring to establish the guilt of the Commodore in the premises. These facts were established on the trial, and the pamphlet was on sale the day after the sentence of the court was published.

After deliberating on these exceptions, the court called on the Judge Advocate for *his* opinion, who decided in his own favour; asserting, that "*neither has the accused a RIGHT to make any exception before the court, nor has the court any right to decide on any exception to the Judge Advocate!*"*

* Had this assertion been made in open court, so as to have admitted of an answer before the question was decided, a well known, and most au-

The sum of the offence charged on the accused, was disobedience of orders, and conduct unbecoming an officer. Not one of the witnesses called proved, or even stated, a circumstance from which the justice of these charges could rationally be inferred. It appeared in evidence, that the accused had received information from the most respectable merchants at St. Thomas, that Foxardo was a rendezvous and refuge for pirates, and that goods to a great amount were robbed at St. Thomas, and sold at Foxardo and in its vicinity. It also appeared, that, during the stay of the Americans, their conduct, as men and officers, was gentlemanly and courteous, and that no just cause of offence was given to quiet and honest citizens.

From the testimony delivered in this case, it appears that a letter was carried to Foxardo, by the commander of the Beagle, directed to a Mr. Campus, respecting the goods stolen from the store of Cabot and Bailey, in St. Thomas. The captain of the port showed the officers where Mr. Campus resided, and the letter was delivered. On reading the letter, he stated that it would be necessary to go to the Alcalde, who would forward the views of the officers. They were introduced to the Alcalde, who treated them with politeness, until this Mr. Campus had *a private interview* with the Alcalde and captain of the port. After this interview, the imprisonment of Lieutenants Platt and Ritchie took place.

In the mean time, Mr. Campus "had brought horses there, and told Lieutenant Platt he might probably get the goods at a small town about twenty miles off." The reason of this offer is obvious the moment we are informed, that, almost beyond the pale of controversy, the identical goods were then in the store of this Mr. Campus, through whose influence the officers were imprisoned, and they not permitted to search for the goods in Foxardo! Nor should it be forgotten, that Mr. Bedford, a clerk to Cabot

thoritative precedent, would instantly have been referred to, in the case of Martin Van Buren, Esq. who was appointed a special judge advocate to the general court martial for the trial of Major General Wilkinson, whose exceptions to the legality and competency of the appointment were sustained by the court, and its decision acquiesced in, both by the gentleman who had received, and by the government which had conferred the appointment.—*Report*, p. 6.

and Bailey, was present, and ready to identify the goods, so soon as they should be discovered.

The foregoing brief history is given, as comprising all which appeared in evidence, particularly relevant to the charge of disobedience of orders. So far from sustaining this charge, every scrap of testimony which appears in the report of this trial, exhibits the most scrupulous attention to the instructions given by the navy department.

To any rational and impartial person, who can and will read the report of this trial, and carefully attend to the facts offered in testimony, it must be matter of extreme astonishment, that even a *court of inquiry* should be instituted in this case. Both the governors of St. Thomas and Porto Rico approved what he did; and, in March, 1825, Mr. Torres, governor of the latter place, issued general orders to the military commandants and citizens, enjoining on them to assist the American forces in the "total extermination of such vile rabble, the disgrace of humanity." But, when we consider that the Spanish authorities considered the presence of our squadron as their safeguard and powerful ally, we are doubly astonished at the prosecution, and its singular RESULT.

The reader will perceive, that the subjoined defence notices two charges, whereas the foregoing history and remarks refer to but one, viz. disobedience of orders. The reason why the latter course is chosen by the editor, will be obvious, when the charges shall be presented, which were as follows:—

Charge 1. Disobedience of orders, and conduct unbecoming an officer.

Charge 2. Insubordinate conduct, and conduct unbecoming an officer.

If, by "insubordinate conduct," is meant lack of subordination, or obedience to superiors, or to instructions, the second charge, in its whole bearing, is but a repetition of the first, and a mere change of form in the mode of expression—a senseless duplicature.

The editor has fully expressed his views of the merits of this trial; but he would do injustice to his own feelings, should he omit to state, that he sat down to the perusal of

the report of this trial, with strong prejudices against the accused. He therefore embraces this opportunity to say, that from a careful and patient examination of the whole affair, he is perfectly convinced of the total failure of proof which could warrant the conviction and sentence of so meritorious an officer.

DEFENCE.

Mr. President, and Gentlemen of the Court Martial :

After having endured a long and mortifying suspense, the frown of undefined indignation, and the anxieties of ambiguous censure, I have experienced a sensible relief, from a public investigation, promising a determinate issue ; which, in no event, can place me in a situation less tolerable than that from which it takes me. Even the hard measure that has been dealt me, in the manner and spirit of the prosecution, both before and during the progress of my present trial, is amply compensated, whatever be the event, by the opportunity afforded me, of a full and open justification before the world ; and, especially, before a tribunal, between the members of which and myself, at least so much of intelligence and community of sentiment exists, as to free me from the apprehension of receiving *less* than justice at their hands ; and to acquit me, in their minds, from the suspicion of appealing to their favour, for any thing *more* than justice. If preparatory censures have tended to wound my feelings, or to prejudice my cause ; if a stern and jealous inquisition have probed every part of my professional character and conduct, where the sensitiveness of a man of honour, or the presumed defects of human frailty, might be supposed to shrink from the searching point ; and if, taken unawares by the suddenness of the attack, or the novelty of my situation, an excruciated sensibility may, for the time, have broke through the guards, that should have preserved me unmoved and self-balanced in mind and temper ; yet, after all, I bow, with humility and experimental conviction, to the moral system of compensations, that bringeth good out of evil : for innocence, made but the more manifest and clear from the severity of its trials, is the bright reversion that might have animated hope, and endued me with the passive

fortitude of endurance, through a longer and more penal term of tribulation.

The accusations which I am now to answer, present this singular feature: while they branch out into two distinct classes of offence, the most dissimilar and the most unequal in the quality and degree of the legal and moral guilt imputed, as in the importance and interest, to the community, of the principles involved, and of the actions to be condemned or justified; they all originate in the same source, and are closely connected by the causes that have produced them, and by the passions and motives that uphold them.

The first branch of the accusation brings into discussion the most important and vital principles of the high and awful sanctions, by which national sovereignty is to be maintained and vindicated by arms; while the second hinges upon the minute punctilios of ceremonious respect. That a devoted servant of the republic, who had consumed the flower of his years, and the vigour of his life, in arduous, and, as he hoped, acceptable services; who had looked for approbation, if not honour, as his reward, for an unstinted exposure to labours, privations, and dangers; so much the more disinterested, as, however beneficial to his country and to mankind, it promised few of the personal gratifications, which may laudably be sought, in the renown of more striking and brilliant achievements; who was conscious of having acted with the most implicit respect and exact fidelity, to what he understood to be the views and instructions of his superiors; who, with wasted powers of life, but untiring activity and zeal, had exerted, for the fulfilment of those instructions to the utmost scope of their letter and spirit, whatsoever of efficient energy, a constitution, worn and broken in the public service, had left him;—that such an one should have been somewhat sore and impatient under rebuke, that came, like a portent and a wonder, upon his astonished senses, was far more natural, than that complaints of misconstruction and injustice should have been interpreted into disrespect; and free, but decorous remonstrance, treated as little less than mutiny.

In my justification against these charges, I must regret the necessity of occupying a larger portion of the valuable time of this court, than any intrinsic difficulties, in the questions themselves, might possibly have required. But the terms in which the charges have been framed; their often complained of vagueness and uncertainty, as to the nature and degree of the offence intended to be charged; the mystery observed as to the application of the facts and circumstances, given in evidence, to the gist of the accusation; and the defect of any advertisement of the points intended to be insisted on, in the prosecution, or that were supposed to require elucidation in the defence: all these circumstances compel me to traverse a wide field, as well of conjectural as of obvious justification.

CHARGE 1. Before I proceed to discuss any matter of fact or law, put in issue by the first charge, it may be useful to attain as distinct an understanding, as practicable, of its terms; and of the nature and degree of the guilt imputed by it.

The general head under which the offence intended to be charged is classed and characterized, consists of two members: first, "disobedience of orders;" second, "conduct unbecoming an officer." The first, doubtless, falls under a general description of military offence, common to every organized body of military force in the world: but, in every military code, by which such an offence may be punished, the character and functions of the officer from whom the orders are supposed to emanate, and the nature of such orders, are usually defined, with all reasonable precision. In the 5th and 14th of our naval articles of war, this species of offence is defined, in terms nearly equivalent to the corresponding articles in the naval and military codes of Britain, and in our own military articles of war. Our 5th naval article of war is, in terms, restricted to the orders of a *commanding* officer, when preparing for, or joining in, or actually engaged in battle. But the 14th article, conceived in terms somewhat more comprehensive, enacts that "no officer or private shall *disobey* the lawful orders of his *superior* officer, or *strike* him, &c. while in the *execution* of the *duties* of his *office*." The punish-

ment of the offence, in either of its modes or degrees, is "death, or such other punishment as a court martial shall inflict." Then, if by the "disobedience of orders," here charged, be intended any offence known to the naval articles of war, and punishable under them, it implies that I had received, from some *superior officer*, in actual command, either while engaged, or about to be engaged in battle; or otherwise, "in the execution of the duties of his office," some order, which I had disobeyed: and so, had come in the danger of a *capital* offence, as every military offence is denominated, which is punishable with death; though it be left to the discretion of a court-martial, to inflict any less punishment.

When this general charge comes to be deduced into particulars, in the form of a specification, *no orders*, either commanding or forbidding me to do any act whatever, are set forth, either in terms or in substance: no commanding or superior officer, from whom they are supposed to have issued, is either named or described. The specification simply sets out the naked and insulated fact, of a certain invasion, by force of arms, upon the territorial sovereignty of Spain; accompanied by "*divers acts of hostility* against the *subjects* and the property of that power:" and, instead of any averment that, in so doing, the orders of a commanding or superior officer had been disobeyed, the conclusion of the specification branches out into a "contravention of the *Constitution* of the United States, and of the *law of nations*; and a violation of *instructions* from the *government* of the United States." Now, whether any "*contravention* of the *constitution* or of the *law of nations*," not involved in a disobedience of military orders, be an offence cognizable, under this charge, by a court-martial; or whether general *instructions* from the *government* be identical with the *orders* of a *commanding* or *superior officer*; and a *violation* of such *instructions*, equivalent to a *disobedience* of such *orders*; are questions of grave import, and will doubtless, in their due order, receive the deliberate consideration of the court. At present, however, we are endeavouring to ascertain the essential character and terms of the offence, actually intended to be

charged: its *legal* attributes and consequences may be separately considered.

As to the second member of the general charge, "conduct unbecoming an officer;"—whether it be intended to describe a mere incident to every act of military disobedience; or to impute some gratuitous and superadded circumstance of aggravation, in the mode and degree of it; and to inflame the guilt of simple disobedience, by some wanton abuse in the manner and circumstances attending the commission of the act; as in the "divers acts of hostility," said to have been committed "against the subjects and property of the King of Spain," are questions left in the characteristic obscurity and uncertainty, which have, all along, veiled the "head and front of my offending," from any distinct view of it, that might have enabled me to perceive or to divine its *extent*.

* * * * *

The rights and duties incidental to a state of war, as it affects every party directly or indirectly concerned, have been the subject of such frequent and elaborate discussion, in our own intercourse with foreign nations, and have received such lucid definition and such various illustration from our most eminent statesmen, that we may be said to have compiled and digested, from the best authorities and the most enlightened views of the subject, a system of public law, upon these topics; which, if it be not generally adopted by the family of civilized nations, as the moral and political influence of our example extends, may, at least, be received among ourselves as superseding, to every practical purpose, a reference to the more general and less applicable doctrines of elementary writers. Our discussions with the powers of Europe, while they were belligerent and we were neutral, have settled, for ourselves, the positive *rights* of neutrals: and our more recent discussions and collisions, with one of those powers, while we were belligerent and she neutral, have equally well settled the positive *duties* of neutrals. The rule, to be deduced from the latter, is so much the more intelligible in its doctrine, and obvious and practical in its application, since it has grown out of collisions and discussions of the belligerent

rights of the United States, as correlative to the neutral duties of this very power, Spain ; whose territorial sovereignty I am charged with having violated : and more especially of her neutral duties, as determined by the peculiar circumstances of her colonial dependencies ; in one of which the scene of my supposed transgression is laid.

* * * * *

If a neutral, through perfidy, partiality, or weakness, (and it is perfectly immaterial which,) permit, or be compelled, by superior force, to suffer his territory to be seized by one belligerent, or, in any manner, used to the annoyance of another, the latter has a perfect right to invade that territory, and to use it, with all the means and facilities of war that it affords, to the same extent that his adversary is permitted to use, or has, by force, usurped the same. The territory, the inhabitants, and whatsoever else there may be there, which have been thus converted into means of annoyance, are, for the time, impressed with the character of enemy, and may be treated accordingly. It is one of the most ordinary and undisputed, as well as the least harsh of these rights, to pursue an enemy into neutral territory, if he retreat there for refuge, or take his station there to be ready to sally forth and attack his adversary, as occasion and opportunity may serve. If this abuse of neutral territory proceed from the weakness of the sovereign, and his inability to protect it from violation, the rule is, that at the point, and in the degree that his authority ceases to be exerted, with practical efficacy, that of the party injured by its relaxation, commences and extends. In the emphatic language of Mr. Adams, "The right of the United States can as little compound with *impotence* as with *perfidy*." All this infers no hostility against the neutral ; but proceeds upon the great principle of self-defence, which justifies a belligerent to disarm his adversary, to turn upon him his own weapons, and deprive him of the permitted or usurped means of annoyance. There may be occasions, when the misconduct of a neutral sovereign might expose him to the resentment of the belligerent sovereign, and make him an actual party in the war : but I here speak merely of those incidental rights of actual war.

which affect him in his neutral character, and require not the decision of the sovereign will to authorize the enforcement of them; which are inseparable from belligerent operations, and are summarily exerted, in the exigency of the moment, at the discretion of the commander to whom the conduct of such operations is intrusted. "Of the necessity for which, [says Mr. Adams, speaking of the invasion and occupation, by military force, of neutral territory, including its fortified places and garrisons, whenever the effectual prosecution of hostilities against the enemy shall, in the opinion of the general, make it necessary,] he has the most effectual means of forming a judgment; and the vindication of which is written in every page of the law of nations, as well as in the first law of nature, self-defence." The principle is not confined to neutral territory, but extends to all the ramifications of neutral sovereignty, and to all the modifications of neutral property: for it is the same identical principle, modified by circumstances, that authorizes naval commanders, from the admiral of a fleet, to the lieutenant-commandant of a schooner, or a barge, or even the captain of a privateer, to seize, upon the high seas, neutral ships, carrying contraband, infringing a blockade, or committing other unneutral acts. In these cases, the ships seized are good prize; but, like the territory, (of which they are an emanation of the sovereignty,) they are also liable to temporary seizure and detention; as when found laden with enemy property. This practical exertion of belligerent rights, upon the high seas, is, in principle, just as high-handed an interference with the exclusive domain of foreign sovereignty, in order to repel open or insidious hostility, in neutral guise, and by neutral means, as any analogous invasion or occupation of the actual territory of the same sovereign. The flag of a nation is just as inviolable an emblem of sovereignty, as territory; and the ship that bears it, is, constructively, a part of the territory, and just as much entitled to protection.

"There will need, (to borrow again the language of Mr. Adams, the condensation and force of which, added to its authority, may dispense with other illustration,) no citations from printed treatises on international law, to prove

the correctness of this principle. It is engraven, in adamant, on the common sense of mankind ; no writer ever pretended to contradict it ; none, of any reputation, or authority, ever omitted to insert it."

I cannot forbear, however, adding to the domestic documents of our public transactions, by which both our belligerent, and our neutral rights, are so amply unfolded, and accurately defined, the authority of the venerable and illustrious Grotius ; who may be styled the father of the modern law of nations. In laying down the rule, by which neutrals may expose themselves to the treatment of enemies, he also *recommends* certain modifications of the strict belligerent right ; not as necessary limitations or exceptions, which a neutral may insist on, but as being merely *recommended* by a spirit of moderation and humanity ; and which a belligerent may disregard, according to his own discretion, or his estimate of necessity or prudence, under existing circumstances, without incurring the odium of having violated the established rules of civilized warfare ; and it may be satisfactory to the court to see, by how many degrees, my operations, at Foxardo, fell short, not only of what strict right authorized, but of what the most beneficent construction of the right would have recommended, as within the bounds of moderation and humanity. 'Tis also worthy of remark, that this author, in the same passage here cited, illustrates belligerent, as correlative to neutral rights, by the known and conceded right to attack a ship manned by pirates, or a house occupied by robbers ; although, in that ship, or in that house, there may be many innocent persons, whose lives are endangered by the attack.

* * * * *

The principles established by the documents now adverted to, regard Spain in her simple character of strict *neutrality* ; without reference to her higher and more sacred obligations, as an *ally*.

In the late war with Great Britain, in which the Indians of Florida took part against us, General Jackson was expressly authorized, by President Madison, to take Pensacola, if it were found to have fostered Indian hostilities, by

ministering to their wants, and affording them the means of annoyance. "If, [proceeds the order, as indited by Secretary Armstrong,] the Spaniards admit into their towns, feed, arm, and co-operate with the hostile Indians, you must *strike*, upon the broad principles of self-preservation."

* * * * *

Now let the principles, so clearly deduced from these most authoritative precedents, be applied to my situation and conduct, as commander of the squadron in the West Indies, engaged in actual war against the pirates.

From a variety of causes, too obvious to be mentioned, the Spanish Islands in the West Indies were, for the most part, more destitute of any practical, steady, and efficient governments and police, than the inhabited parts of the Floridas. The pirates, who sought shelter there, were not, like the miserable savages of Florida, insulted and cut off from access to other quarters for relief, so as to be dependent on Spanish towns and garrisons, for occasional supplies of provisions, arms, and ammunition. On the contrary, their enterprising and successful piracies, and the accumulated plunder of land and sea, gave them influence and favour, not only in the more barren or thinly inhabited districts; but in some of the more considerable towns and settlements: while their numbers, their resources, and their ferocity, overawed and intimidated those who were not seduced by participation in the spoils of piratical enterprise. When the hot pursuit of our cruisers had driven them from the sea, and destroyed all their vessels, capable of keeping the sea, they retreated into various parts of Cuba and Porto Rico; in some places, banded themselves against the local authorities, and effectually defied every effort to reduce them; in other places, they assumed various disguises, as fishermen, droguers, pedlers, &c. &c. As fishermen, they built huts and villages upon the coasts of these two islands; and kept up a constant intercourse with the inhabitants; from whom it was extremely difficult to distinguish them. The innumerable bays, inlets, shoals, and harbours, about these islands, enabled them to conceal the boats, in which they nightly sallied forth

from their holds, and committed innumerable piracies ; as well upon the high seas, as in the towns and settlements, on the neighbouring coasts. They then retreated, with their plunder, to their secret haunts ; reassumed their disguises ; and eluded detection and pursuit.

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As to Foxardo, you have it clearly proved, how notorious were that town and district, and an extensive tract of country around, as the most pernicious of these haunts for pirates : including two other noted places, on the same coast, from twenty to twenty-five miles from Foxardo, called Nauguaba and Boca del Inferno, equally notorious for the resort of pirates, and as receptacles for their plunder. It was to the latter of these places, known by so characteristic an appellation, that the crew of the piratical vessel, driven on shore by Lieutenant Sloat, attempted to retreat ; as reported in his letter to the Secretary of the Navy of the 19th March last. I did not, however, act upon the sole authority of report or notoriety ; more than sufficient, as they are, when sufficiently credible, to justify military movements. It was not till an American merchant, resident at St. Thomas, had been robbed of property to a considerable amount, in one of these marauding expeditions, traced, upon credible information, to Foxardo ; nor till after an officer of my squadron, who had landed, in the most peaceable and inoffensive manner, to inquire after the pirates and the plunder, had been treacherously seized, and disgracefully treated, at Foxardo ; that I determined to land and make an impression upon that place. I presume no military or naval man is to be blamed, for acting upon credible and circumstantial information ; he is not to be expected to wait for either legal or moral certainty of proof. The necessity and propriety of the measure, and the correctness of the information, upon which I proceeded, are amply confirmed. 'Tis in proof that the spontaneous opinion of the merchants of St. Thomas, and of the whole squadron, without any particular communication from me, was clear and decided, not only for the necessity and propriety of the measure, but that it must and would be executed. My intentions were, as clearly

inferred from what circumstances decided that they ought to be, as if I had fully declared them. The whole course and event of the action entirely confirmed every anticipation. I no sooner approached the harbour, under the most unequivocal demonstrations of the real character of my squadron, than I found a party, no wise distinguishable, in arms, equipment, or appearance, from the pirates usually found on shore; and who, in the instances before mentioned, had attacked Captain Cassin, and Lieutenants Kearney and Newton; by whom their villages and huts had been burned and destroyed. This party stood ready, with two guns, on a point of rock; and, the instant I had anchored, without one act of hostility or menace on my part, and without any previous parley on theirs, commenced hostilities by training the guns on my nearest vessel; and then on the boat which was approaching the shore: and nothing, I presume, but the perplexity in which they were kept, between the two objects, prevented them from firing on us. They dispersed, before our party reached their battery; the guns of which we spiked. We found the village entirely deserted; no human being to be found, with whom we could hold parley. When it is recollected that I had established a good understanding with the governors of Cuba and Porto Rico; was acting in concert with them; had remitted, to their jurisdiction, pirates whom we had taken, and who had been punished by the local governments;—when all this was known and notorious, how could I, in reason, account for these demonstrations of hostility, immediately on my approach to the harbour of Foxardo;—and for the flight of the party at the battery, and the desertion of the village? Was I not authorized, nay, bound, to conclude from these circumstances, taken in connexion with the infamous character of the place, that it was a piratical establishment? Did it not require, at any rate, farther investigation; and that I should proceed to examine into the state of things at the small town of Foxardo, only a mile or two from the harbour?—Nothing, I think, can exceed the caution and moderation with which I proceeded. A flag was sent, in advance, with a letter, addressed to a sort of inferior magistrate, called an

Alcalde ; the only officer, except a very low and disreputable person called the Captain of the Port, who was to be found there. As we followed the flag into the interior, the most perfect order prevailed among our troops ; and no whisper of complaint has been heard, of the slightest injury to the persons or property of the inhabitants. The farther we advanced, new circumstances of suspicion arose, to confirm all we had heard, and all we had inferred from what we saw at our first landing. There was the same irregular assemblage of armed men ; equally equivocal in character and appearance, as those who had been dispersed at the battery ; without any of the ordinary badges to distinguish them, as belonging to the government of the country ; and, by their causeless hostility, justifying the worst suspicions of their character and intentions. When I met the Alcalde, accompanied by some of the better sort from the town, he excused himself for his conduct to Lieutenants Platt and Ritchie, as having been under *compulsion* from *others* : and this was repeated to Lieutenant Platt, by the interpreter and another person in the Alcalde's train. The nature of the compulsion, and the persons from whom it proceeded, were not explained ; and, as Lieutenant Platt declares, there appeared some strange mystery about the transaction. The mystery may, perhaps, be very satisfactorily cleared up ; when it is recollected that Lieutenants Platt and Ritchie, at their former visit, had, at first, been received by the Alcalde with civility ; but that the rabble were extremely exasperated against them. From all which, connected with the infamy of the place, and the very suspicious conduct and appearance of the people, whom we encountered, it might, reasonably enough, have been concluded, that the pirates were strong both in numbers and influence ; and had overawed, and held in subjection, the miserable functionary, who bore the badge, without the substance of a regularly constituted authority ; whom it would have been absurd, and derogatory to any government, to have treated as qualified to challenge the respect due to a sovereign, in the person of his representative.

Then, was not here presented a clear case of the "ju-

risdiction of Spain ceasing at the point where her weakness failed to maintain her authority?" What possible distinction, between the hostile appropriation of Spanish territory and Spanish means to our injury, by the pirates, in this instance, and by the Seminoles and other savages in Florida? In truth, every circumstance and every reason that were admitted as the most triumphant justification of the course pursued in the campaign in Florida, are here more clear and pronounced: and yet, because I merely displayed my force on Spanish territory, by way of intimidation; exacted an apology for the past, and promise of amendment for the future; and spiked two guns, from which, on leaving the harbour, I should have been in imminent danger of a raking fire, from a lawless banditti, who might have secreted themselves from pursuit and punishment: for this I have been recalled, in displeasure, and subjected to a rigorous and penal prosecution; notwithstanding the clear proof, now manifest to the court, that the most beneficial consequences had resulted from this operation; that, instead of producing any impediment to the service, from the ill will and irritation, either of the authorities or inhabitants of the island, it served to awe the disaffected, and to inspire universal respect for our arms and character. From the subsequent correspondence of Lieutenant Sloat, it appears that Governor Torres had been reported to have dropped some hasty expressions of anger; but, if he really uttered such, it was a momentary ebullition; for his letter to Lieutenant Sloat of the 17th of March last, sufficiently demonstrates his good will; and, indeed, contains warmer expressions of thanks for our exertions, than are to be found in any of his preceding communications. The effect, upon the public in general, was decided and instantaneous: indeed, the increased respect and confidence in the vigour, determination, and efficiency of our measures, and the consequent facilities likely to be obtained, in the pursuit of our object, exceeded all expectation. The public honours bestowed on Lieutenant Platt, at Ponce, only forty miles from Foxardo, and expressly on account of the share he had borne in the affair of Foxardo, may give some idea of the prevailing sentiment.

As I have said, nothing could exceed the astonishment with which I received an intimation of the displeasure of my own government. The only apprehension I entertained, and the only circumstance, having the remotest tendency to self-reproach, in the whole affair, were, that I had fallen too far short of the point to which my authority would have reached, and to which my duty, under existing circumstances, should have pushed it: that I had too scrupulously and indiscriminately applied that precept of the divine teacher, which is so humanely recommended by the venerable Grotius, in mitigation of the rigours of war; and had suffered the tares to grow, where there was no wheat in danger of being rooted up with them; or so little, in proportion, that it must necessarily be choked by the tares: that I had not used due precaution to ascertain, that there were even ten righteous persons to be found among them, whom I encountered at Foxardo. Indeed, if I were, at this day, under trial for not having seized and garrisoned, or destroyed the village at the harbour; and even the town of Foxardo, as pernicious pirate-nests; for not having arrested and made prisoners, the people; or those, at any rate, who had made any demonstrations of hostility; I should have conceived myself in far more danger of censure, for having left undone those things, which I ought to have done; than now, for doing those things which I ought not to have done. My best, if not my only defence, in such case, would have been, the want of the force and the means necessary to give complete effect to the operation; and the eventual benefits resulting from the actual and more moderate operation.

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The war against the pirates, in the West Indies, was just as formally declared as any of our preceding wars, by land or sea, except the late war with England; and carried with it all the concomitants and incidents of a public war; without regard to the form of the preliminaries, or the circumstances of its commencement. The machine, being once put in motion, was impelled by its own inherent energies; without the help of proclamations, or other paper muniments. A naval force was placed, by congress,

at the disposal of the president, to be employed in the most effectual way, according to the *best of his judgment*, and under *suitable instructions* to the commanders, to repel the aggressions and depredations of the pirates. Under the authority of this act, and the instructions of the president, the war against the pirates was commenced and carried on. That it was a regular war, against public enemies, and entitled, not only to equal, but to greater respect, from other nations, than ordinary wars, is clearly established by reason and authority.

Pirates are not the enemies of one nation only, but of the whole human race: and all civilized nations are, or ought to be, in league against them. There can, in the nature of things, be no neutrals in such a war. As I have before remarked, the rights of war, in general, seem to have been derived, for the most part, from the analogies of war against pirates. We find that the president, in his message to congress, explaining and justifying the conduct of General Jackson, towards the Spanish authorities in Florida, enumerates, (as he had before done in regard to Amelia Island and Galvezton,) their encouragement of *buccaneering*, as one of the enormities which had forfeited their neutral character. General Jackson himself, in his official correspondence, justifying the apparent severity of his proceedings against persons claiming Spanish protection, can find no more emphatic reprobation of their character, as placing them and their abettors out of the pale of the law of nations, and as justifying every extremity against both, than to denominate them *land pirates*. Grotius, as I have remarked, infers belligerent rights, in regard to third parties, not being enemies, from the analogous right to destroy pirates, though to the danger and probable damage of innocent persons.

If the question rested on general reason and authority, it would seem to be settled: but I have a stronger and more practical warrant, in the very instructions which I am charged with having violated; a document that loses none of the authority, due to its official character, from having been signed, and probably indited, by a gentleman whose talents and learning had illustrated a high judicial station

in New York, before he was called to the administration of the navy department; and are now added to the splendid assemblage of the same qualities, on the bench of the Supreme Court of the United States. These instructions lay down the doctrine, and apply it to the actual case, in terms that leave not the shadow of a doubt of the relations in which I was to hold myself, as well towards the pirates, as the Spanish authorities and people.

"You will announce," says my letter of instructions, "your arrival and object to the authorities, civil and military, of the island of Cuba; and endeavour to obtain, as far as shall be practicable, their *co-operation*; or, at least, their favourable and friendly *support*; giving them the most unequivocal assurance, that your sole object is the destruction of pirates.

"The system of piracy, which has grown up in the West Indies, has obviously arisen from the war between Spain and the new governments, her late provinces in this hemisphere; and, from the limited force in the islands, and their sparse population, many portions of each being entirely uninhabited and desolate, to which the *active authority* of the government does not extend. It is understood that establishments have been made, by parties of these banditti, in those uninhabited parts, to which they carry their plunder, and retreat in time of danger. It cannot be presumed that the government of any island will afford any protection or countenance to such robbers. It may, on the contrary, confidently be believed, that all governments, and particularly those most exposed, will afford all means in their power for their suppression. Pirates are considered, by the laws of nations, the enemies of the human race. It is the duty of all nations to put them down; and none, who respect their own character or interest, will refuse to do it; much less, afford them an asylum and protection. The nation that makes the greatest exertions to suppress such banditti, has the greatest merit. In making such exertions, it has a *right* to the aid of every other power, to the extent of its means, and to the enjoyment, under its sanction, of all its rights in the pursuit of the object. In the case of belligerents, where the army of one party en-

ters the territory of a neutral power, the army of the other has a right to follow it there.

“In the case of pirates, the right of the armed force of one power to follow them into the territory of another, is more complete. In regard to pirates, there is no neutral party; they being the enemies of the human race, all nations are *parties against them, and may be considered as allies.*”

I lost no time in establishing an understanding with the governors of Cuba and Porto Rico, as recommended by these instructions, and as fully appear from the documents accompanying the President's message to congress, December 2, 1823, before referred to. From these it has been seen that both the governors recognised, without hesitation, the meritorious character of the war; pledged themselves for every aid and co-operation in their power; that, in various instances, they did co-operate; and actually received prisoners, taken by our squadron, both at sea and on land, and had them executed. Thus, the *presumption*, upon which my instructions proceeded, that the local governments of these islands were to be considered and treated as allies, in a regular war, was confirmed and consolidated into a solemn compact, followed by all the practical and open evidences of alliance and common cause.

* * * * *

Then my justification requires no order or instruction, commanding or authorizing, while it is indispensable to the crimination of my conduct, that some order should be shown, forbidding me to exercise the otherwise clear right to adopt the highly expedient, necessary, and, in all its public results, most fortunate measure, now in question. The incidental power, to its fullest extent, was inherent to my command; unless that command had been stripped of it, by a positive order.

This brings us directly to the question, whether my instructions of the 1st February, 1823, do, in terms, forbid me to exercise this power?

I maintain, not only that there is the absence of any such prohibition, express or implied, but that the course

of conduct which I pursued, is enjoined by my instructions : and if I had neglected that injunction, I should, at once, have basely betrayed the high and sovereign rights of war, with which the glory and safety of the nation are so essentially connected ; and have violated the letter and spirit of my instructions, by a course of conduct directly opposite to that now imputed to me as a disobedience of orders.

I shall proceed to lay down a few simple rules of interpretation, by which the sense, in which I so clearly understood and acted upon my instructions, may be demonstrated as their true import and meaning.

1. The reason, or final cause ; the main end to be accomplished, deserves the first consideration. Then, I was appointed to the command of the squadron, "for the purpose of repressing piracy, and affording *effectual protection* to the citizens and *commerce* of the United States." I am told that it is my "duty to protect our commerce against all unlawful interruptions, and to guard the rights, both of persons and property, of the citizens of the United States, wherever it shall become necessary." Such is the final cause, or end of the armament ; and, upon that, did General Jackson mainly rest the justification of his operations in Florida, when he appealed to that part of his instructions from the war department, which recommends a speedy and successful termination of the war, as being required by the honour and interest of the United States : and he argues that he pursued the only means, by which he could have effectuated such intent : and that the intent, both general and particular, which is expressed in the order, justified the means : these means being, in themselves, entirely conformable to the established laws and usages of war. The means, by which I was to have accomplished the object of my command, were left to my discretion, under the guidance of some general rules, not at all more restrictive of the inherent authority of my station, than those prescribed to General Jackson, if as much so. The limitations of my authority, from which any thing like a prohibition may be inferred, are expressed in two clauses. I am, in the first place, told that "where a *government*

exists and is *felt*, you will, in all instances, respect the *local authorities* ; and only act in *aid* of, and *co-operation* with them : ” and again, “ in no case are you at liberty to pursue and apprehend any one, after having been forbidden to do so, by *competent authority* of the local *government* . ” Now the term “ government , ” or “ local government , ” certainly means the supreme power of the country ; and, in reference to the Spanish islands, means the several provincial governments there established, called *local*, in contradistinction to the government of the mother country, which is supreme over all. It cannot be pretended that the term comprehends the inferior magistrates of obscure towns and villages. Then this government must not only *exist*, but must be *felt* ; and felt to what purpose, and to what extent ? Surely to no less, than to maintain, practically and efficiently, its sovereign and active authority in the country, to the purpose and to the extent of holding it inviolate from the common enemy. In a preceding part of the instructions, places, to which the “ *active authority* of the government does not *extend* , ” are spoken of : nor can it be less than the active authority of the government, in any case, that I was bound to respect. I am told repeatedly, in my instructions, that I am to *presume* that the Spanish *authorities* and *people* will make common cause with me, and *cordially* co-operate with me : I am told so in the very clause which requires me to respect the local governments ; and strange, indeed, if I had been required to respect them, on any other terms. I was acting not only upon this presumption, but upon the faith of direct and positive assurances, from these very local governments, that they would so co-operate, confirmed by unequivocal acts of co-operation. When I came to discover, upon these islands, extensive settlements of pirates, in the various disguises of fishermen, &c. ; when I found considerable districts in the possession, or under the controlling influence of pirates ; would it have comported with due respect to the local governments, to have *presumed* that such infamous abuses were by their authority ; and that, by attacking the pirates, I should be invading the rights and dignity of the governments ? Are these pirates to be

viewed, in such circumstances, as either "Spanish authorities or people," in the sense of my instructions? If such were the presumptions upon which we were to act, we committed innumerable transgressions, in the instances of the several piratical establishments broken up and destroyed, without complaint, on the coast of Cuba, as before mentioned. But the meaning of this injunction to respect the local authorities, where a government exists and is felt, is decided by its immediate context; for it goes on to direct that I shall "only act in *aid* of, and *co-operation* with them." Now, the one of these injunctions is just as obligatory as the other. Them, whom I am to "respect," I must also co-operate with and aid: they must be in a condition to challenge, for themselves, both or neither. Then, if I am to *respect* the people and authorities of the islands, who are identified in character and conduct with the pirates, I must also "act in *aid* of, and *co-operation* with them;" and how consistent this may be with the main end and aim of repressing piracy, and affording effectual protection to the commerce and citizens of the United States, needs no remark to illustrate. When I am told that I must not continue the pursuit of pirates on shore, "after having been forbidden to do so by *competent authority* of the *local government*;" should I have been justified in accepting the prohibition of the pirates themselves, or of their known or strongly suspected associates and accessories, as from such *competent authority*? The only prohibition ever received by me, was in the form of open hostility and resistance; no otherwise to be accounted for, than as an attack upon the *suppressors*, and a defence of the *professors* of piracy. Lieutenant Platt was not forbidden the pursuit and inquiry, which occasioned his first visit to Foxardo: but he was, at first, received with insidious civility, and a professed respect to his official character and mission; and, in that guise, was conducted to the town, where the treatment he afterwards received was equally unaccountable, on any other ground than that of the people, or a great majority of them, making common-cause, or being identified with the pirates.

I am farther directed, if "the crews of any vessels which

I have either seen engaged in acts of piracy, or have *just cause* to *suspect* as being of that character, retreat into the ports, harbours, or settled parts of the islands, I may enter in pursuit of them, for the purpose of *aiding* the local *authorities* or *people*, as the case may be, to seize and bring the offenders to justice; previously *giving notice* that it is my sole object." Then here is an affirmative direction (not necessary to communicate the authority, but only declaratory of an authority already inherent to my command) to pursue the enemy into the ports, harbours, and settled parts of the islands; but qualified by a limitation, which necessarily supposes the presence of *authorities* or *people* who have the *will*, and, with my aid, the *power*, to seize the offenders and bring them to justice. But suppose no *authorities* or *people* of that description are to be found; and, though the country be ever so thickly settled, it is occupied and held by pirates and their accessories, who exert a controlling influence and effective power over the district, and hold what people or authorities there may be in check, or in close alliance; is not the hypothesis, upon which the limitations of my otherwise absolute authority are expressly founded, done away, and is not such authority consequently left in its pristine force? Is there any possible construction of the document, that could require of me to aid and assist people to seize and bring themselves to justice? The very case, put by my instructions as requiring the pursuit of the piratical crew, was presented: I had just cause more than to *suspect* that such a crew; which had robbed an "*American citizen*" at St. Thomas, had retreated with their plunder to Foxardo, and, in the pursuit of them, I am encountered at the threshold by men of the most equivocal appearance, who stand forward to resist the *pursuers*, and to defend the *pursued*, without parley or warning of any kind. Then, was I not bound to conclude that these men knew what they were about, and that the defenders and the persons pursued were the same? I knew, to a certainty, that they were not, and, in the nature of things, could not, be acting under the authority of the local government; but I had the strongest grounds to presume, that they were acting

against it. What reason had I to presume, that they had any better authority than the pirates who fired upon Captain Cassin, near Cayo Blanco, and upon Lieutenants Kearney and Newton, at Cape Cruz ; and who, on other occasions and at other places, committed the like violence ; and, upon being pursued to the interior, were found to be settled in fishing villages, defended by cannon advantageously posted on the rocks ?

It seems to me plainly impossible to construe my instructions, as a prohibition of the operation upon Foxardo, consistently, either with their context, or with the prominent and declared reason, or final cause of the course of service which they prescribed. A learned and judicious author has said that "the nature of every law must be judged of by the end for which it was made, and by the *aptness* of things therein prescribed, unto the same end : " a rule which absolutely concludes the present question.

* * * * *

A practical construction is given to my orders, by the toleration of all our previous descents upon Cuba, followed by the destruction of settlements having all the appearance of innocent fishing villages ; and which were, nevertheless, found to belong to pirates in disguise. It has been seen how far the arts of deception were carried, on the coast of Cuba ; where the spectacle was presented of old men, "with bald heads and hoary locks exposed to view," like the venerable sires of a peaceful and innocent generation of fishermen ; and of matrons, as if present, either to implore protection for themselves and helpless offspring, or, (according to the account of one officer,) like a celebrated heroine of a modern romance, by their exhortations and example, to inspirit their husbands and sons to defend, or avenge their homes and altars : but where all these plausible and imposing appearances proved to be only deceitful covers to the most atrocious of piratical establishments ; for the utter extinction of which, upon no other warrant or authority than the discretion of the officers sent in pursuit of pirates, and acting upon the evidences and presumptions by which their conduct was to be determined in every new exigency of the service, these

officers had received the approbation and applause of the government and the country. Then, if it were lawful to seize and chain these modern Proteii, on one shore, why not on another, equally the theatre of their frauds? Had they possessed the fabled spirit of prophecy ascribed to their ancient prototype, it must have puzzled themselves to divine, how I could have incurred the displeasure, either of the Spanish government or my own, by pursuing them on the coast of Porto Rico, any more than on that of Cuba; at Foxardo, any more than at Cayo Blanco or Cape Cruz; as before practised, without censure or question, in former instances.

But suppose I have failed to establish the construction of my orders, as understood by myself and now explained, does it follow that I am guilty of any *disobedience of orders*, under the naval articles of war? The negative may be clearly maintained on two grounds.

1. The naval articles of war look only to orders given by a *superior* officer in immediate command; not to general instructions from the government, the observance of which, it is supposed, the government has, in its own hands, the means of enforcing.

2. The instructions are *discretionary*; and no officer can be charged with the breach of a discretionary order, unless he wilfully and corruptly misconstrue and pervert it. For no mistake of judgment can be, in the nature of things, punishable. Here is the law of nations laid down to me, in my instructions; to be applied, in a great variety of supposed circumstances, to facts as they arise. A number of rules, defining the relative rights of the parties, are prescribed, requiring the exercise of a discreet judgment to expound them. I apprehend it to be impossible for any man to review the circumstances of this case, without admitting, whatever be his opinion of my judgment or my reasoning, that I might, in the honest exercise of my reason and judgment, have done the act with which I am charged.

To bring me within the scope of this most penal charge, it must appear that I was either positively ordered to do something that I omitted, or positively forbidden to do

something that I did ; or that, under pretence of executing a discretionary authority, I corruptly or maliciously abused it.

* * * * *

So far the defence.

After finding the Commodore guilty on both charges, and their specifications, the court says—

“ In deciding upon the first charge, and the specification under it, the court, however, feels itself called upon to ascribe the conduct of the accused, which is deemed censurable, to an anxious disposition on his part, to maintain the honour, and advance the interests of the nation and of the service.”

The sentence reads thus :—

“ The court does therefore sentence and adjudge the said Captain David Porter to be suspended for the term of six months, from the date hereof.”

Thus, after expending the labour of fourteen court-officers during thirty-eight days, to say nothing of other contingent expenses, and acknowledging that, at most, the accused was merely guilty of an error of judgment, by their own showing, the Commodore was suspended *six months* ! This opportunity he embraced to *improve his judgment* ; he left his country, and entered the Mexican service. After remaining some time in that service, he returned to the United States, and was appointed by the President Consul General to the Turkish empire, which situation he now fills.

ZEBULON MONTGOMERY PIKE.

THE fortuitous events of moments, like the throes of a volcano, sometimes belch forth *heroes*, while others become so from their birth, habits, and education. The family of General Pike, were among the first settlers of New Jersey, and tradition preserves the name, in remote ancestry, of Captain John Pike, as a distinguished, gallant, and brave soldier in defence of that colony, in the early Indian wars to which it was subjected.

Zebulon M. Pike was born at a place called Alamatunk, now by corruption Lamberton, in New Jersey. His father, whose name was Zebulon, was an officer in the army of the United States, at the time of his son's birth, and never rose higher than the rank of Major. After having received a common school education, in early youth, Zebulon Montgomery entered as a cadet into a company then under his father's command, in which he served some time on the United States western frontiers. Thus it may be justly said, that he had been almost nurtured a soldier from his cradle. His deficiency of early education was subsequently supplied by a close and ardent study—hence he became a proficient in the Latin, French, and Spanish languages, and was skilled in the mathematical and astronomical sciences, the fruits of industrious application.

A short lapse of time intervened, when the commission of ensign, and afterwards lieutenant, in the 1st regiment of the United States infantry, was given him. Spurning idleness in the calm of peace, he wiled away his time in the acquisition of useful knowledge. But he panted for glory and martial renown. He seemed to be endued with a spirit not ill-suited to the chivalric notions of the middle ages. Notwithstanding the multifarious objects which attracted his attention in the pursuit of knowledge, Cupid seems to

have inflicted a wound in his bosom, for Hymen spread his net, and our hero was caught in the enticing snare.

In March, 1801, he married a Miss Clarissa Brown, of Cincinnati, Kentucky, who bore him several children, only one of whom, a daughter, survives.

Among other habits of mental discipline, Pike had a practice of inserting upon the blank pages of some favourite volume, such striking maxims of morality, or sentiments of honour, as occurred in his reading, or were suggested by his own reflections. He used a small edition of Dodsley's "Economy of Human Life," for this purpose. Soon after his marriage, he presented this volume to his wife, who still preserves it as one of the most precious memorials of her husband's virtues. An extract from one of the manuscript pages of this volume was published in a periodical work soon after his death. It was written as a continuation of the article "Sincerity," and is strongly characteristic of the author.

"Should my country call for the sacrifice of that life which has been devoted to her service from early youth, most willingly shall she receive it. The sod which covers the brave shall be moistened by the tears of love and friendship; but if I fall far from my friends, and from you, my Clara, remember that 'the choicest tears which are ever shed, are those which bedew the unburied head of a soldier,' and when these lines shall meet the eyes of our young —— let the pages of this little book be impressed on his mind as the gift of a father who had nothing to bequeath but his honour, and let these maxims be ever present to his mind as he rises from youth to manhood.

"1. Preserve your honour free from blemish.

"2. Be always ready to die for your country.

"Z. M. PIKE.

"*Kaskaskias, Indiana Territory.*"

On the old peace establishment of our army, then composed only of a few regiments, and employed altogether in garrisoning a few frontier posts, promotion was slow, and the field of action limited and obscure. For several years, Lieutenant Pike panted in vain for an opportunity of gratifying that "all-ruling passion," which, to use his own

words, "swayed him irresistibly to the profession of arms, and the pursuits of military glory."

At length, in 1805, a new career of honourable distinction was opened to this active and aspiring youth. Soon after the purchase of Louisiana, the government of the United States determined on taking measures to explore their new territory, and that immense tract of wilderness included within its limits. Besides ascertaining its geographical boundaries, it was wished to acquire some knowledge of its soil and natural productions, of the course of its rivers, and their fitness for the purposes of navigation and other uses of civilized life, and also to gain particular information of the numbers, character, and power of the tribes of Indians who inhabited this territory, and their several dispositions towards the United States. With these views, while Captains Lewis and Clarke were sent to explore the unknown sources of the Missouri, Pike was despatched on a similar expedition for the purpose of tracing the Mississippi to its head.

On the 9th of August, 1805, Pike accordingly embarked at St. Louis, and proceeded up the Mississippi, with twenty men, in a stout boat, provisioned for four months, but they were soon obliged to leave their boats and proceed on their journey by land, or in canoes, which they built, and carried with them on their march, after leaving their large boat. Pike's own journal has been for some time before the public, and affords a much more satisfactory narrative of the expedition than the narrow limits of a work of this kind can allow. For eight months and twenty days this adventurous soldier and his faithful band were almost continually exposed to hardship and peril, depending for provisions upon the precarious fortunes of the chase, enduring the most piercing cold, and cheerfully submitting to the most constant and harassing toils. They were sometimes for days together without food, and they frequently slept without cover on the bare earth, or the snow, during the bitterest inclemency of a northern winter. During this voyage, Pike had no intelligent companion upon whom he could rely for any sort of advice or aid, and he literally performed the duties of astronomer, surveyor,

commanding officer, clerk, spy, guide, and hunter, frequently preceding the party for many miles in order to reconnoitre, or rambling for whole days in search of deer or other game for provision; and then returning to his men in the evening, hungry and fatigued, he would sit down in the open air to copy by the light of a fire the notes of his journey, and to plot out the courses of the next day.

His conduct towards the Indians was marked with equal good sense, firmness, and humanity; he every where, without violence or fraud, induced them to submit to the government of the United States; and he made use of the authority of his country to put an end to a savage warfare, which had for many years been carried on, with the utmost cruelty and rancour, between the Sioux and the Chippeways, two of the most powerful nations of Aborigines remaining on the North American continent. He also every where enforced with effect the laws of the United States against supplying the savages with spirituous liquors. Thus, while he wrested their tomahawks from their hands, and compelled them to bury the hatchet, he defended them from their own vices, and in the true spirit of humanity and honour, rejected with disdain that cruel and dastardly policy, which seeks the security of the civilized man in the debasement of the savage.

In addition to the other objects of Pike's mission, as specifically detailed in his instructions, he conceived that his duty as a soldier required of him an investigation of the views and conduct of the British traders, within the limits of our jurisdiction, and an inquiry into the exact limits of the territories of the United States and Great Britain. This duty he performed, says the author of a former sketch of his biography, with the boldness of a soldier and the politeness of a gentleman; he might have justly added, with the disinterestedness of a man of honour, and the ability and discretion of an enlightened politician. He found that the North West Company, by extending their establishments and commerce far within the bounds of the United States, and even into the very centre of Louisiana, were thus enabled to introduce their goods without duty or license into our territories, to the very great injury of

the revenue, as well as to the complete exclusion of our own countrymen from all competition in this trade. He perceived, besides, that these establishments were made subservient to the purposes of obtaining an influence over the savages, dangerous to the peace and injurious to the honour and character of our government; and he thought it evident, that in case of a rupture between the two powers, all these posts would be used as rallying points for the enemy, and as places of deposit for arms to be distributed to the Indians, to the great annoyance, if not total ruin, of all the adjoining territories.

An opportunity was now presented to him of enriching himself for life, by merely using the power vested in him by law, and seizing upon the immense property of the company which he found illegally introduced within our territory. But having been hospitably received at one of their principal posts, his high sense of honour would not permit him to requite their hospitality by a rigorous execution of the laws. It is probable, too, that he thought so violent a measure might lead to collisions between the two governments, without tending to produce any permanent beneficial effect, and he cheerfully sacrificed all views of personal interest to what he conceived to be the true interest and honour of his country. By means of reprimands and threats to the inferior traders, and a frank and spirited remonstrance to the director of the Fond du Lac department, he succeeded in procuring a stipulation, that in future no attempt should be made to influence any Indian on political affairs, or any subjects foreign to trade, and that measures should be immediately taken to prevent the display of the British flag, or any other mark of power, within our dominion; together with a promise that such representations should be immediately made to the company, and such an arrangement effected with regard to duties, as would hereafter set that question at rest.

His conduct with regard to this subject was, at the time, viewed with cold approbation; but the events that occurred in the ensuing war gave ample testimony to his sagacity and foresight.

Within two months after his return from this expedi-

tion, Pike was selected by General Wilkinson for a second perilous journey of hardship and adventure. The principal purpose of this expedition was, like that of the former, to explore the interior of Louisiana. He was directed to embark at St. Louis, with the Osage captives, about forty in number, who had been rescued from their enemies, the Potowatomies, by the interference of our government, and to transport them to the principal village of their nation; and he was instructed to take this opportunity to bring about interviews between the different savage nations; and to endeavour to assuage animosities, and establish a permanent peace among them. He was, after accomplishing these objects, to continue his route into the interior, and to explore the Mississippi and its tributary streams, especially the Arkansaw and Red River; and thus to acquire such geographical information as might enable government to enter into definitive arrangements for a boundary line between our newly acquired territory and North Mexico.

In the course of this second journey, our adventurous soldier, after leaving the Osage village, encountered hardships, in comparison to which, the severities of his former journey seemed to him ease and luxury.

Winter overtook the party, unprovided with any clothing fit to protect them from cold and storms. Their horses died, and for weeks they were obliged to explore their way on foot, through the wilderness, carrying packs of sixty or seventy pounds weight, besides their arms, exposed to the bitterest severity of the cold, relying solely on the produce of the chase for subsistence; and often, for two or three days altogether without food. This part of his journal contains a narrative of a series of sufferings sufficient to make the "superfluous and lust-dieted" son of luxury shudder at the bare recital. Several of the men had their feet frozen; and all, except Pike, and one other, were in some degree injured by the intensity of the cold. He thus relates the history of two of these dreary days.

"18th *January, Sunday*.—The doctor and myself, who formerly were untouched by the frost, went out to hunt something to preserve existence; near evening, we wound-

ed a buffalo, with three balls, but had the mortification to see him run off, notwithstanding. We concluded it was useless to go home, to add to the general gloom, and went amongst some rocks, where we encamped, and sat up all night; from the intense cold, it was impossible to sleep. Hungry, and without cover.

"19th *January, Monday*.—We again took the field; and, after crawling about one mile in the snow, came near enough to shoot eight times among a gang of buffaloes, and could plainly perceive two or three to be badly wounded; but by accident they took the wind of us, and, to our great mortification, all were able to run off. By this time I had become extremely weak and faint, it being the fourth day since we had received sustenance, all of which, we were marching hard, and the last night had scarcely closed our eyes to sleep. We were inclining our course to a point of woods, determined to remain absent, and die by ourselves, rather than return to our camp, and behold the misery of our poor lads, when we discovered a gang of buffaloes coming along at some distance. With great exertions, I made out to run, and place myself behind some cedars; and by the greatest good luck, the first shot stopped one, which we killed in three more shots; and by the dusk had cut each of us a heavy load, with which we determined immediately to proceed to the camp, in order to relieve the anxiety of our men, and carry the poor fellows some food. We arrived there about twelve o'clock, and when I threw my load down, it was with difficulty I prevented myself from falling; I was attacked with a giddiness of the head, which lasted for some minutes. On the countenances of the men was not a frown, nor a desponding eye; but all seemed happy to hail their officer and companions; yet not a mouthful had they eaten for four days. On demanding what were their thoughts, the sergeant replied, the most robust of them had determined to set out in search of us on the morrow, and not return unless they found us, or had killed something to preserve the lives of their starving companions."

In the course of this long, toilsome, and perilous march, Pike displayed a degree of personal heroism and hardi-

hood, united with a prudence and sagacity, which, had they been exerted on some wider theatre of action, would have done honour to the most renowned general. The reader may, perhaps, smile at this remark, as one of the wild exaggerations of a biographer, anxious to dignify the character of his hero; but the truth is, that great men owe much of their splendour to external circumstances; and if Hannibal had made his famous march across the Alps, at the head of a company of foot, instead of an army, his name, if it had reached us, would have come down to posterity with much less dignity than that of our hardy countryman. There are passages in Pike's journal of his second expedition, which, had they been found, with proper alterations of place and circumstances, related by Plutarch or Livy, of one of their heroes, would have been cited by every school boy as examples of military and heroic virtue. Take, for instance, the account of Pike's firm and prudent conduct in repressing the first symptoms of discontent in his little band, and his address, upon this occasion, to the mutineer, and they will be found to need but little of the usual embellishments of an eloquent historian, to be made worthy of Hannibal.

"24th *January, Saturday*.—We sallied out in the morning, and shortly after perceived our little band, marching through the snow, (about two and a half feet deep,) silent, and with downcast countenances. We joined them, and learnt that they, finding the snow to fall so thickly that it was impossible to proceed, had encamped about one o'clock, the preceding day. As I found all the buffaloes had quitted the plains, I determined to attempt the traverse of the mountain, in which we persevered until the snow became so deep, it was impossible to proceed, when I again turned my face to the plain; and, for the first time in the voyage, found myself discouraged; and for the first time I heard a man express himself in a seditious manner; he exclaimed, that 'it was more than human nature could bear, to march three days without sustenance, through snow three feet deep, and carry burdens only fit for horses.'

"As I knew very well the fidelity and attachment of the

majority of the men, and even of this poor fellow, and that it was in my power to chastise him when I thought proper, I passed it by for the moment, determined to notice it at a more auspicious time. We dragged our weary and emaciated limbs along until about ten o'clock. The doctor and myself, who were in advance, discovered some buffaloes on the plain, when we left our loads, and orders written on the snow, to proceed to the nearest woods to encamp. We went in pursuit of the buffaloes, which were on the move.

"The doctor, who was then less reduced than I was, ran and hid behind a hill, and shot one down, which stopped the remainder. We crawled up to the dead one, and shot from him as many as twelve or fourteen times among the gang, when they removed out of sight. We then proceeded to cut up the one we had shot; and after procuring, each of us, a load of the meat, we marched for the camp, the smoke of which was in view. We arrived at the camp, to the great joy of our brave lads, who immediately feasted sumptuously. After our repast, I sent for the lad who had presumed to speak discontentedly in the course of the day, and addressed him to the following effect: 'Brown, you this day presumed to use language which was seditious and mutinous; I then passed it over, pitying your situation, and attributing it to your distress, rather than to inclination to sow discontent amongst the party. Had I reserved provisions for ourselves, whilst you were starving—had we been marching along light, and at our ease, whilst you were weighed down with your burden; then you would have had some pretext for your observations: but when we were equally hungry, weary, emaciated, and charged with burden, which I believe my natural strength is less able to bear than any man's in the party; when we were always foremost in breaking the road, reconnoitering, and the fatigues of the chase—it was the height of ingratitude in you to let an expression escape, which was indicative of discontent; your ready compliance and firm perseverance I had reason to expect, as the leader of men, and my companions in miseries and dangers. But your duty as a soldier demanded your obedi-

ence to your officer, and a prohibition of such language, which, for this time, I will pardon ; but assure you, should it ever be repeated, I will avenge your ingratitude, and punish your disobedience by instant *death*. I take this opportunity, likewise, to assure you, soldiers, of my thanks for the obedience, perseverance, and ready contempt of every danger, which you have generally evinced ; I assure you, nothing shall be wanting on my part to procure you the rewards of our government, and gratitude of your countrymen.'

"They all departed, very much affected, and retired with assurances of perseverance in duty."

Amidst these distresses, after a three months winter's march, they explored their way to what they supposed to be the Red River. Here they were met by a party of Spanish cavalry, by whom Pike was informed, to his great astonishment, that they were not on the Red River, but on the Rio del Norte, and in the Spanish-territory. All opposition to this force would have been idle, and he reluctantly submitted to accompany the Spaniards to Santa Fe, to appear before the governor. Though, to his great mortification, his expedition was thus broken off, all hardships were now at an end. He was treated on the road with great respect and hospitality, though watched and guarded with much jealousy ; but he still insisted on wearing his sword, and that his men should retain their arms. Indeed, it was his resolution, had he, or any of his people, been ill used, to surprise the guard, carry off their horses, and make the best of their way to Apaches.

When he arrived at Santa Fe, his whole dress was a blanket coat, blue trowsers, moccasins, and a scarlet cloth cap, lined with a fox skin ; his men were in leather coats, with leggins, and had not a hat in the whole party. But he appeared before the governor with his usual spirit, and insisted on being treated with the respect due to an American officer. From Santa Fe he was sent to the capital of the province of Biscay, to be examined by the commandant-general, where he was well received, and entertained for some time, after which, he was sent on his way home, under the escort of a strong party of horse.

He arrived with his little band at Natchitoches, on the 1st of July, 1807.

The most vexatious circumstance attending this unexpected sequel to his expedition was the seizure of all his papers, excepting his private journal, by the Spanish government. He had been fitted out with a complete set of mathematical and astronomical instruments, and had made frequent and accurate observations. He had thus ascertained the geographical situation of the most important points with much precision, and had collected materials for an accurate map of a great part of the country which he traversed. The seizure of these papers is a real loss to the cause of science. It is, however, in perfect conformity to that narrow and purblind policy, which the old Spanish government uniformly manifested in the administration of its colonies.

Pike, upon his return, received the thanks of the government; a committee of the house of representatives expressed their high sense of his "zeal, perseverance, and intelligence," and the administration, much to its honour, bestowed upon him a more solid testimony of approbation, by a rapid promotion in the army. He was immediately appointed captain; shortly after, a major; and, on the farther enlargement of the army, in 1810, a colonel of infantry.

During the intervals of his military duties, he prepared for the press a narrative of his two expeditions, accompanied by several valuable original maps and charts. This was published in 8vo. in 1810. The work is rather overloaded with unnecessary detail, and the language is careless and often inaccurate; the last fault is, however, in a great measure to be attributed to several disadvantageous circumstances under which the work went to press, while the author was at a distance, engaged in public service. Still, it is sufficiently evident that the volume is not the composition of a scholar. But it bears the strongest marks of an acute, active, busy mind, unaccustomed to scientific arrangement or speculation, but filled with a variety of knowledge, all of a useful, practical kind. Though entirely unacquainted with botany, zoology, and mineralogy, as sciences, Pike had a liberal curiosity, which taught him

to look upon every object with the eye of an observer, and to despise no sort of knowledge, though he might not perceive its immediate utility. Above all, the narrative has that unstudied air of truth which is so apt to evaporate away in the processes of the book-making traveller; it retains all the clearness and freshness of first impressions, and we are never for a moment left in doubt, whether or not the writer and the traveller are the same person.

Immediately after the declaration of war, Pike was stationed with his regiment on the northern frontier, and on the commencement of the campaign of 1813, was appointed a Brigadier-General.

Pike's character was tinctured with an enthusiasm which communicated itself to his whole conduct; in whatever pursuit he engaged, he entered on it with his whole soul. But the profession of arms had been always his favourite study—his "life's employment, and his leisure's charm." Having served through every gradation of rank, almost from a private, up to a general, and very often employed in separate and independent commands, he was intimately acquainted with all the minutiae of discipline. The veteran of a peace establishment is too apt, from the want of greater objects, to narrow his mind down to the little details of a military life, until, at length, every trifle swells up into ideal importance, and the cut of a coat, or the tying of a neckcloth, seems big with the fate of nations. Pike was extremely attentive to all the particulars, even to the most minute points, of discipline and dress, yet he gave them their due importance, and no more. He did not wish to degrade the soldier into a mere living machine, and while he kept up the strictest discipline, he laboured to make his men feel that this severity arose not from caprice or ill temper, but from principle, and that it had for its sole object their own glory, their ease, their health, and safety. Careless of popularity, and negligent of the arts by which good will is often conciliated where there is no real esteem, by the unassuming simplicity and frankness of his manners, and the undeviating honour of his conduct, he bound to himself the hearts of all around with the strong ties of respect and affection.

Thus self-formed, and thus situated, the eyes of the army were anxiously cast towards him as the chosen champion who was to redeem their reputation from that disgrace with which it had been stained by a long series of disasters. The day for which his heart had long panted at length arrived—a bright day of glory for the hero, of gloom and sorrow to his country. He was selected for the command of the land forces in an expedition against York, the capital of Upper Canada, and on the 25th of April sailed from Sackett's Harbour in the squadron commanded by Commodore Chauncey. The day before the expedition sailed, he wrote a letter to his father, prophetic of his fate.

“I embark to-morrow in the fleet at Sackett's Harbour, at the head of a column of 1,500 choice troops, on a secret expedition. If success attends my steps, honour and glory await my name; if defeat, still shall it be said that we died like brave men, and conferred honour, even in death, on the American name.

“Should I be the happy mortal destined to turn the scale of war, will you not rejoice, O my father? May heaven be propitious, and smile on the cause of my country! But if we are destined to fall, may my fall be like Wolfe's—to sleep in the arms of victory.”

On the 27th of April, General Pike arrived at York, with about seventeen hundred chosen men, and immediately prepared to land. The spot which was selected for landing, was the site of an old French fort called Toronto, of which scarcely any vestiges now remain. The plan of attack was formed by General Pike, and clearly and minutely detailed in his general orders, which were directed to be read at the head of every corps; every field officer was also directed to carry a copy of them, in order that he might at any moment refer to them, and give explanations to his subordinates. Every thing was arranged, and every probable exigency provided for, with admirable method and precision.

One paragraph of these orders is deeply stamped with that unity of character so visible throughout all his actions, and which is, in truth, one of the strongest marks of a powerful and original mind.

"No man will load until ordered, excepting the light troops in front, until within a short distance of the enemy, and then charge bayonets ; thus letting the enemy see that we can meet them with their own weapons. Any man firing, or quitting his post without orders, must be put to instant death, as an example may be necessary. Platoon officers will pay the greatest attention to the coolness and aim of their men in the fire : their regularity and dressing in the charge. The field officers will watch over the conduct of the whole. Courage and bravery in the field do not more distinguish the soldier than humanity after victory ; and whatever examples the savage allies of our enemies may have given us, the General confidently hopes, that the blood of an unresisting or yielding enemy will never stain the weapons of the soldiers of his column. Property must be held sacred ; and any soldier who shall so far neglect the honour of his profession as to be guilty of plundering the inhabitants, shall, if convicted, be punished with death. But the commanding General assures the troops, that should they capture a large quantity of public stores, he will use his best endeavours to procure them a reward from his government."

As soon as the debarkation commenced, a body of British grenadiers was paraded on the shore, and the Glengary Fencibles, a local force which had been disciplined with great care, and has repeatedly proved itself fully equal to any regular force, appeared at another point. Large bodies of Indians were also seen in different directions, while others filled the woods which skirted the shore. General Sheaffe commanded in person.

Forsyth's riflemen were the first to land, which they effected under a heavy fire of musketry and rifles from the Indians and British. As soon as the fire from the shore commenced, Major Forsyth ordered his men to rest for a few moments on their oars, and return the fire. At this moment Pike was standing on the deck of his ship. He saw the pause of his first division, and, impatient at the delay, exclaimed, "I can stay here no longer, come, jump into the boat ;" and, springing into it, followed by his staff, was immediately rowed into the thickest of the fire.

The infantry had followed the riflemen, and formed in platoons as soon as they reached the shore. General Pike took the command of the first platoon which he reached, and ordered the whole to prepare for a charge. They mounted the bank, and the enemy, after a short conflict, broke at once, and fled in disorder towards the works. At that moment the sound of Forsyth's bugles was heard, announcing his success at another point. Its effect upon the Indians was almost electrical; they gave a horrible yell, and fled in every direction.

The whole force, being now landed and collected, was again formed, and led on by General Pike in person, to attack the enemy's works. They advanced through the woods, and after carrying one battery by assault, in the most gallant manner, moved on in columns towards the main work. The fire of the enemy was soon silenced by our artillery, and a flag of surrender was expected, when a terrible explosion suddenly took place from the British magazine, which had been previously prepared for this purpose. Pike, after aiding in removing a wounded man, sat down on a stump of a tree with a British sergeant, who had been taken, and was employed with Captain Nicholson and one of his aids in examining the prisoner. The explosion was tremendous; an immense quantity of large stones were thrown in every direction with terrible force, and scattered destruction and confusion around among our troops. The General, his aid, Captain Nicholson, and the prisoner, fell together, all, excepting the aid, mortally wounded. General Pike was struck on the breast by a heavy stone. Shortly after he received the blow, he said to his wounded aid, "I am mortally wounded—write to my friend Duane, and tell him what you know of the battle, and to comfort my wife." In the same broken manner, he afterwards added several other requests relating to his private affairs.

The command devolved on Colonel Pearce, of the 16th regiment of infantry, who sent a flag to the enemy, demanding an immediate surrender at discretion. The stipulation that private property should be respected, was the only condition asked, which was unhesitatingly grant-

ed. The British general and a part of his troops previously escaped.

The troops were instantly formed again; as a body of them passed by their wounded general, he said, "Push on, brave fellows, and avenge your general." While the surgeons were carrying him out of the field, a tumultuous huzza was heard from our troops; Pike turned his head with an anxious look of inquiry; he was told by a sergeant, "The British union jack is coming down, General—the stars are going up." He heaved a heavy sigh, and smiled. He was then carried on board the commodore's ship, where he lingered for a few hours. Just before he breathed his last, the British standard was brought to him; he made a sign to have it placed under his head, and expired without a groan.

His death was a great public misfortune.

LEONARD COVINGTON.

THIS gentleman was born in Maryland, about the 26th of October, 1768. His ancestry was highly respectable, and handed down to their posterity a valuable landed estate, which devolved, at the decease of his father, on young Covington. His father's name was Levin, and the subject of this memoir was the elder of two sons. In his native state, he received an elegant English and mathematical, and partial Latin education. His pursuit in life, after the death of his father, was designed by his mother to be husbandry, on his patrimonial estate. But his inclination led him to a far different pursuit—the *science of war*.

He entered the army with a cornet's commission in the cavalry, shortly after the defeat of General St. Clair, by the Indians, in 1791, near the Miami villages. In the action with the savages, near Fort Recovery, his bravery was put to the severest trial. His horse was shot under him. For his conduct and bravery in the severe action

on the Miami, which followed, he won the admiration and esteem of his brethren in arms, and the plaudits of his general. After General Wayne had reduced the savages to submission, Covington resigned his post in the army, and retired to his farm, occupying himself with the useful pursuits of civic life. The high estimation in which he was held by his fellow citizens, is best tested by the various stations to which their suffrages elevated him. He was elected to a seat in the senate of Maryland; a member of the house of representatives of the congress of the United States, and one of the electors of president and vice-president of the United States. Being attached firmly to republican principles, his votes and influence were not lost in the elevation of Mr. Jefferson to the presidential chair.

In the year 1809, when the injuries which Great Britain was heaping upon his country gave rise to the embargo law, he accepted a lieutenant-colonel's commission of the regiment of dragoons, then the only one in the United States army. In consequence of his station in Louisiana, he formed an attachment to that newly acquired section of the United States, and purchased a plantation on the banks of the Mississippi, not far from Natchez, to which he removed his family.

In the increase of the army, after the commencement of hostilities between the United States and Great Britain, in 1812, he was promoted from a colonel of horse, to the rank of brigadier-general, and commanded at the Natchez when an invasion was expected in that section of the union. When the storm had blown over, he repaired to the northern frontier, where his services were more immediately wanted. With his brigade, he set out with General Wilkinson in his expedition against Montreal, in the autumn of 1813, the failure of which resulted from the conduct of General Hampton, who evaded the consequences by an early resignation.

In the battle of Williamsburg, General Covington was ordered, in conjunction with General Swartwout, to outflank the British, if possible, and capture his artillery. Covington, while voluntarily leading a detachment of his brigade to a charge, was mortally wounded, died in three

days afterwards, and was buried with military honours at French Mills, at a place now called Mount Covington, regreted, beloved and esteemed, by the whole army.

JOHN CHRYSTIE.

THE subject of this biographical notice was born in New York, soon after the war of the revolution. His father was Major James Chrystie, of the Pennsylvania line, whose conduct in the struggle for liberty gained him a high reputation.

He received his academic, and part of his collegiate education, at Princeton College, New Jersey, from which he was removed to Columbia College, New York, where he graduated in 1805 or 6. He then began the study of the law, which he relinquished in 1808, for the commission of lieutenant of artillery, in the additional troops then to be raised. He was attached to Colonel Simmons' regiment, and was stationed at Oswego, on Lake Ontario, New-York. There, he commanded a whole winter. The spring following, he was ordered to New Orleans. From the amiableness of his manners, and the respectability of his talents, he soon attracted the attention of General Wilkinson, who took him into his military family, as his aid. He stood high in the confidence of the principal officers of the army. In the year 1811, finding no prospect of active service, he resigned his commission, and re-commenced his legal studies in his native city.

On the commencement of hostilities with Great Britain in 1812, he again entered the service, with the commission of lieutenant colonel of the 13th regiment, Colonel Schuyler, in the army of 25,000, just ordered to be raised by congress. With part of his regiment, he accompanied Colonel Van Rensselaer in his irruption into Canada during the summer of 1812. He commanded the regular forces of

the United States at the battle of Queenstown, the superior regular officers having been wounded in crossing the Niagara Strait. Here he sustained the conflict with the British and Indians the greater part of the day. Wounded in the sword hand, he was compelled to surrender to an overwhelming force under General Sheaffe, after having kept him a long time in check. Several bullets had perforated his clothes. He was sent a prisoner to Montreal, and thence to Quebec. During the winter following, he was discharged on his parole of honour, and returned to New York. As soon as exchanged, he returned to active service on the frontiers, just when his friend General Pike breathed his last in the arms of victory. He was soon after appointed inspector-general of the army, and colonel of the 23d regiment.

He accompanied Generals Dearborn and Lewis into Canada, and was taken with the bilious colic at Fort George, which terminated his existence, in 1813. Short as was his military career, it was encircled with a halo of glory which brightens the page of American history. His remains were interred with the military honours due to his rank and character.

In disposition he was open, mild, and amiable. His mind was well stored with useful knowledge. He was full of spirits, animated, and brave, and passionately fond of an active military life, panting for a niche to himself in the temple of fame. The grim tyrant of the grave seized his victim in his early start on the high road to honour and glory, and thus arrested his race for the desired goal of his ambition.

WILLIAM HENRY ALLEN,

WAS a native of Providence, Rhode Island, and was born October 21st, 1784. His father, William Allen, a friend to the independence of his country, was appointed

a lieutenant in the revolutionary army, in the incipency of the contest, and never sheathed his sword till the freedom of his country was consummated by the peace of 1783. His mother was the sister of William Jones, Esq. one of the late governors of his native state.

Though his parents designed to give him a classical education, the bent of his genius induced them to waive their intention, and to gratify his darling passion for naval life. He consequently received a midshipman's warrant, in May, 1800. Three months after this, he was ordered to repair on board of the frigate *George Washington*, Captain Bainbridge, which vessel was bound to the Mediterranean, with tribute from the United States, to the Dey of Algiers. In his letters to his father, he always expressed his determination to support the American character, by his good conduct as an officer, and his demeanour as a gentleman. No peculiarity of incident checkered his voyage from the United States to Algiers.

Commodore Bainbridge returned to America on the 19th of April, 1801, when a reduction of the navy ensued. Eight days after the return of the subject of the present memoir, and before he had an opportunity of visiting his family, he was ordered on board the *Philadelphia*, under the command of Captain Barron, bound for the Mediterranean. He entered on the service with alacrity. Nothing material transpired during the cruise. The ship returned to the United States on the 27th of June, 1802. He was now, for the first time after his entry into the service of his country, enabled to enjoy the society of his friends, and to visit his paternal abode. However, but a short repose was allowed him from the fatigues of naval service, as in October, 1802, he sailed in the frigate *John Adams*, commanded by Captain Rodgers, to visit, for the third time, the Mediterranean. From his letters, during this period, only two extracts are necessary to be given :

"During our stay at Malta, we had an opportunity of visiting most of the public buildings ; and among the rest, the superb church of St. John. The floor is laid in different coloured marble, in mosaic, representing tomb-stones of the different knights who distinguished themselves in

fighting, and in falling in defence of Christianity, against the infidels. On every side is a Latin inscription, describing his death. The walls are hung with the most superbly embroidered tapestry, representing the birth, crucifixion, and ascension of our Saviour. The death of the saints is likewise represented in the same manner, and they appear like the most beautiful paintings. The wings are divided into chapels, and here they show us crosses and saints in abundance, and the rich attire of the bishops and clergy embroidered with gold. In an inner chapel we were shown a number of relics, one of which they declared was a fragment of the cross on which our Saviour was crucified; another was the palm of the hand of Saint John. The body of Saint Clement was exposed lying in state. This was a room that the French soldiers did not penetrate: it is said that they robbed this church of half a million."

During this voyage, he was informed, by his correspondent, of a report, which afterwards proved unfounded, that a younger officer was advanced over his head. This was the manly reply of a boy of seventeen: "I am too well grounded in old principles to mind such assaults now. If the government decide thus, I can say, amen, with all my heart."

Commodore Rodgers returned from his cruise in December, 1803.

Early in the year 1804, Allen was ordered on board the frigate Congress, lying at Washington, of which he was appointed sailing master. This frigate sailed on the first of July, under the command of Captain Rodgers, for the Mediterranean. On the outward bound passage, while the ship was lying to, in a violent gale, Allen, on the foreyard, assisted the sailors in taking in a reef. Letting fall that part of the sail on which he had hold, he was precipitated headlong into the sea, to the depth of twenty feet, passing in his fall very near the anchor on the bow. Fortunately, he arose near the mizen chains, and by taking hold of them, narrowly escaped inevitable death, as the ship was then drifting very fast. While cruising off the coast of Tripoli, Captain Rodgers intended, if the com-

mand should have devolved on him, in consequence of the illness of Commodore Barron, an attack on that place. He took Allen with him in the schooner to take the soundings, preparatory to the anticipated assault. They entered the harbour with muffled oars; and, after taking a sounding, and making a complete survey, they passed so near the Tripolitan gun boats, that they distinctly heard the men conversing below. They also heard the sentinels on the wall of the battery conversing together. As they were returning from the harbour, a heavy gale sprung up, and they had a narrow escape to the Nautilus, which vessel was then in the very act of leaving her position. During this cruise, which extended from 1804 to 1806, Allen thus writes to his correspondent:

"I was, while at Lisbon, witness to a very ludicrous ceremony. My ears were saluted by the hoarse chanting of some Portuguese sailors, and I perceived about twenty in number approaching, bearing a large topsail, barefoot, with their hats in their hands, into which the multitude would, now and then, drop a six-pence, to save their souls from purgatory. On inquiry, I was informed, that it was a custom among them, when overtaken by a violent gale at sea, instead of trusting to their own exertions, to offer up their prayers to their guardian saint, and to promise him the best sail in the ship, if he would condescend to protect them from the dangers of the element. The topsail was then taken to the church, in the manner described, laid at the foot of the altar, and dedicated to the saint. It was then appraised by an old friar, who, unwilling to distress the votaries of old mother Church, accepted, as an equivalent, in money, one half of its nominal value. The saint has, by this time, become perfectly well acquainted with the value of sail cloth."

In October, 1805, Captain Rodgers removed to the frigate Constitution, and assumed the command of the squadron, in consequence of the return of Captain Barron to the United States. Mr. Allen also removed to the Constitution, and was promoted to a lieutenancy. In a cruise off Capanea, he, in company with Commodore Rodgers, visited Mount Ætna. Ascending the south side of the mountain,

the wind, while blowing from the north, covered that side of their bodies exposed to its violence, with frost, while the other remained perfectly free. Descending, they lost their way among fields of lava, but were found by the monks in the convents below. He likewise visited Mount Vesuvius, and the cities of Herculaneum and Pompeia. He served as third lieutenant on board the *Constitution*, and returned in that frigate to the United States, in the year 1806.

During these several cruises to the Mediterranean, although nothing transpired on board the frigates where he was stationed, that might fairly be denominated naval glory, still a peculiarity of circumstances gave a lofty and elevated tone to the feelings of all the officers. An American squadron in the waters of the Mediterranean, was a novelty. That squadron was small, and it was destined to pass under the review and strict scrutiny of English ships of war, occasionally stationed in those seas, and passing the Straits of Gibraltar. Personal courage, skill, and correctness of discipline, could alone ensure them respect in a company so illustrious; and to these points all their efforts were directed. They felt the high responsibility attached to their station; and knowing how important the first impression of a national character was, they acted up to that dignity which the occasion required.

After this long and fatiguing cruise, he was permitted, for a short time, to visit his friends and relations in Providence. In February, 1807, he received orders from government to join the frigate *Chesapeake*, commanded by Captain Barron, then fitting out for the Straits. He remained at Philadelphia while the ship was preparing for sea, during which time he was busily employed in recruiting men for the service, and then entered as third lieutenant.

The circumstances preceding and succeeding the attack on the *Chesapeake*, by the *Leopard*, he handsomely delineated, in a letter to a correspondent. Therein he expressed his abhorrence at the conduct of the officer having command of the *Chesapeake*, in tamely submitting to the indignities offered by the *Leopard*. His letter to the Se-

cretary of the navy, demanding a court of inquiry to be called upon the captain, was signed by four lieutenants and the sailing master. The secretary replied, that "their communication did them honour, and their request should receive proper attention." It is difficult to conceive the excoriated state of Lieutenant Allen's mind at this time. Words seemed hardly adequate to express the indignation he felt at the scenes he had witnessed. To have the flag of his nation disgraced; and to suffer the wrongs of his bleeding countrymen to go unavenged, was too humiliating for his noble spirit to brook. In a letter to his father, he says, "If I am acquitted honourably, (in other words, if Commodore Barron is condemned,) you may see me again; if not, never." "We lie here," says he, in another letter, "ready, at a moment's warning, to wipe from our flag that disgrace which has been detailed on it by our blood. When I suffer my memory to dwell on this, I feel that I can trifle with my existence at pleasure." At length this question was put to rest by the condemnation of Barron, on which Lieutenant Allen makes this dry remark: "How the court can reconcile some of the passages of their opinion with others, I know not, unless *cowardice* can be divided into two kinds, personal and official."

Intrepidity, however, expresses only a part of the character of Lieutenant Allen; his private affections were as warm as his public. While his mind was inflamed by a sense of indignant sensibility, he was pouring into the ear of masculine confidence the complaints of his lacerated mind; letters of the same date, to a female friend, are replete with domestic tenderness and affection. With this correspondence all is quiet and serenity; he enters into all the levity of ordinary converse, and seems as anxious to veil his heroic and indignant passions, as if this indulgence was criminal in such intercourse.

Not one of the subordinate officers was more decidedly opposed to the conduct of Commodore Barron, than Lieutenant Allen: yet such was the uniform correctness, propriety, and delicacy of his conduct, that he commanded the esteem of that officer's most sanguine adherents. With the officers on board the Chesapeake, he was a peculiar favourite.

During the time of the embargo, the Chesapeake, to which he was still attached, cruised off Block Island, and captured several vessels violating that law. From motives of delicacy he desired to be excused, and was excused, from boarding any vessel belonging to his native state. In a letter on this subject, he says, "I knew that I should be compelled to detain such vessels for the most trivial article, and this would have wounded my feelings—even had I met those which I could have suffered to pass, I might have laboured under unjust suspicions, when other officers might be equally just without such imputations."

Lieutenant Allen remained in the Chesapeake, in this service, till February, 1809, when he was ordered, by the government, to join the frigate *United States*, while lying at Washington, under the command of Commodore Decatur. The commodore was absent, and the equipping of the frigate was a duty that devolved on the first lieutenant, who was not, for the space of two months, absent from the navy yard. The ship was a part of the time at Norfolk, and the remainder of the time was engaged in short cruises on the coast, until the declaration of war against Great Britain, in 1812.

Shortly after, the frigate *United States* sailed on a cruise, which resulted in the capture of the *Macedonian*. In the action between the two vessels, Lieutenant Allen bore a conspicuous part. His share in the glorious conflict cannot be better expressed than in the words of Commodore Decatur. "It would be unjust in me, to discriminate, where all met my fullest expectations. Permit me, however, to recommend to the particular notice of the secretary, my first lieutenant, William Henry Allen, who has served with me upwards of five years; and to his unremitting exertions, in disciplining the crew, is to be imputed the obvious superiority of our gunnery, exhibited in this contest."

To Lieutenant Allen was entrusted the charge of bringing the prize into port, and she safely arrived in the harbour of New York, on the first day of January, 1813, amid the enthusiastic gratulations of our countrymen. The corporation and citizens of the city honoured him and his

commander with a splendid and superb festival ; and the legislatures of Rhode Island and Virginia presented him a sword, as a testimonial of their sense of his services, and in commemoration of his gallant exploits.

After this, Lieutenant Allen was allowed some little respite from the naval service ; he visited his native state, and received the kind congratulations of his relatives and friends, at his paternal abode. This repose was, however, but of short duration ; the strong and imperious calls of his country once more summoned him to active duty.

Shortly after the arrival of the Macedonian at New York, the *Argus*, commanded by Captain Sinclair, returned to that port. He obtained leave to visit his friends ; and by order of Commodore Decatur, Lieutenant Allen took the command. He thoroughly repaired the vessel, and received an order from the Commodore to go in quest of a British brig of war, reported to be in the Sound. The crew of the *Hornet*, commanded by Lieutenant Shubrick, volunteered their services. He remained in the Sound for the space of a week, without meeting the enemy, when he received the orders of the commodore to return.

On the death of Mr. Barlow, the American minister to the court of France, his government deemed it expedient to renew the negotiation. Mr. Crawford was appointed as his successor ; and Lieutenant Allen, advanced to the rank of master commandant, was directed to command the *Argus*, and to conduct that minister to his place of destination. He accepted the appointment, and sailed with the new minister for France. He eluded the vigilance of the blockading squadron, and arrived at L'Orient within twenty-three days. He informed the Secretary of the navy, in his letter bearing date June 12, 1813, that he "shall immediately proceed to put in execution his orders as to the ulterior purposes of his destination."

The business so darkly hinted, was undoubtedly, to sail in the Irish channel, and annoy the English commerce. This service was extremely perilous ; and the attempt seemed hardly to admit a possibility of escape. It was a service to a man fond of glory, peculiarly invidious. Such conquests were attended with no honour ; and Captain

Allen, in compliance with his orders, seemed peculiarly solicitous, to make the enemy feel and confess the motives by which he was guided. The injury which he did to the British commerce was estimated to the amount of two millions. In this depredating warfare his conduct was marked with the highest traits of honour. The property of the passengers was sacred from hostility ; not an article of that description would he suffer to be touched. The passengers were allowed to go below, and to take what they claimed as their own, and no hands belonging to the *Argus* were permitted to inspect them while they were employed in so doing.

On one occasion, when a passenger had left his surtout behind him, it was sent after him in the boat : on another occasion, Captain Allen ordered one of his hands, who was detected in the act of some petty plunder of this sort, to be flogged at the gangway. The English papers, while the merchants were writhing under the severe injuries thus inflicted, were unanimous in their testimonials of respect to the conduct of this gallant officer, for the humanity and delicacy with which he performed a service so invidious. Probably no action of his life could more plainly distinguish his character than this : he loved danger as much as he abhorred to plunder the defenceless.

It appeared very evident, that if prudence were consulted, it was his imperious duty to avoid an engagement. The damage which he might have done the enemy, by another species of warfare, was beyond all comparison greater than by risking a battle, even if fortune had decided the controversy in his favour. Even a victory ensured capture ; for alone and unsupported as he was, his own ship would, in all human probability, suffer material injury, and both the captured and the captor become the prize of one of the many frigates then swarming in the English channel. These considerations, however, would have but little weight with him. He declared, previous to his setting out, that he would run from no two masted vessel. Anxious to acquit himself of a business which he so much disliked, he sought an opportunity to act in a situation more congenial to his feelings.

Accordingly, on the 14th of August, 1813, he fell in with his Britannic majesty's sloop of war Pelican: and after a severely contested action, the Argus was compelled to surrender; her commander having received a mortal wound in the early part of the engagement, of which he died in the 29th year of his age.

The following letter from John Hawker, Esq., ci-devant American vice-consul, will speak for itself.

Plymouth, August 19th, 1813.

SIR,—The station I have had the honour to hold for many years past, of American vice-consul, calls forth my poignant feelings in the communication I have to make to you of the death of your son, Captain Allen, late commander of the United States' brig of war Argus, which vessel was captured on Saturday last, in the Irish channel, after a very sharp action of three quarters of an hour, by his Britannic majesty's ship Pelican.

Early in the action he lost his left leg, but refused to be carried below, till from loss of blood he fainted. Messrs. Edwards and Delphy, midshipmen, and four seamen, were killed; and Lieutenant Watson, the carpenter, boatswain, boatswain's mate, and seven men, wounded. Captain Allen submitted to amputation above the knee, while at sea. He was yesterday morning attended by very eminent surgical gentlemen, and removed from the Argus to the hospital, where every possible attention and assistance would have been afforded him, had he survived; but which was not, from the first moment, expected, from the shattered state of his thigh. At eleven, last night, he breathed his last! He was sensible at intervals, till within ten minutes of his dissolution, when he sunk exhausted, and expired without a struggle! His lucid intervals were very cheerful, and he was satisfied and fully sensible that no advice or assistance would be wanting. A detached room was prepared by the commissary and chief surgeon, and female attendants engaged, that every tenderness and respect might be experienced. The master, purser, surgeon, and one midshipman, accompanied Captain Allen, who was also attended by his two servants.

I have communicated and arranged with the officers

respecting the funeral, which will be in the most respectful, and at the same time, economical manner. The port Admiral has signified that it is the intention of his Britannic majesty's government, that it be *publicly* attended by officers of rank, and with military honours. The time fixed for procession is on Saturday, at 11, A. M. A Lieutenant-Colonel's guard of the royal marines is also appointed. A wainscot coffin has been ordered; on the breast plate of which will be inscribed as below.* Mr. Delphy, one of the midshipmen, who lost both legs, and died at sea, was buried yesterday in St. Andrew's church-yard. I have requested that Captain Allen may be buried as near him, on the right, in the same vault, if practicable, as possible.

I remain, respectfully, sir, your most obedient humble servant,

(Signed,)

JOHN HAWKER,

Ci-devant American vice-consul.

To General Allen, Providence, R. I.

Agreeably to previous arrangement, the remains of the departed Allen were interred at Plymouth, on the 21st of August, with military honours, and every mark of respect due to his rank. The flag of his country, under which he fought, was placed on his coffin, as a testimonial of the valour with which he had so nobly striven to defend it; and his body was deposited at the right of the gallant Delphy, who had bled and suffered with him.

Thus lived and thus died William Henry Allen.

By the company and conversation of the elegant and polite, the hard and severe duties of the sailor acquired a sort of polish, and his character presented that combination of gallantry, grace, and intrepidity, that so irresistibly attracts. In the hour of danger, he was calm, intrepid, and persevering; in private intercourse, guarded, affable, and delicate. Entering into the navy with large and expanded ideas of honour, the perils he encountered, and the hard services he endured, consolidated his romantic and floating

* Tablet, whereon will be recorded the name, rank, age, and character of the deceased, and also of the midshipman, will be placed, if it can be contrived as I have suggested; both having lost their lives in fighting for the honour of their country.

visions into rules and principles of action. By never lowering his lofty standard amid the jostle of contending difficulties, he at length arrived at it; and new trials served only to call into exercise new and unexplored resources of fortitude. He had so long forsaken every other consideration for glory, that he finally measured his life by this standard, and felt a repulsive antipathy to whatever fell short of that measure.

A sort of compact has seemed to exist among our naval commanders, never to quit their station on deck. Allen, in his mutilated state, refused to be carried below, and fainted on the deck from loss of blood. Lawrence showed the same determined spirit, and never left his station till he was too far exhausted by his wounds to animate his men by his example. Burrows, though mortally wounded at his quarters, still remained at his post, survived the action, and there received the sword of his gallant and intrepid antagonist.

The following extract from Captain Allen's letter, addressed to his sister, will show the character of this intrepid officer in an amiable light:

"When you shall hear that I have ended my earthly career, that I only exist in the kind remembrance of my friends, you will forget my follies, forgive my faults, call to mind some little instances dear to reflection, to excuse your love for me, and shed one tear to the memory of

"HENRY."

JOHN CUSHING AYLWIN.

THOMAS AYLWIN, a merchant of the town of Boston, espoused the sister of the late William Cushing, who at the time of his decease was one of the Justices of the Supreme Court of the United States. In the early stage of the American Revolution, Mr. Aylwin removed from Boston to

Quebec, where he remained during the whole contest. At the close of that war, his son John Cushing Aylwin, was born, in the capital of Lower Canada. His education was more useful than speculative. He obtained a familiar knowledge of the French language; was instructed in the rudiments of Latin, and the elements of mathematics. In early life he was rated on board a British frigate commanded by Captain Coffin. In consequence of the impressment of one of his particular companions, he left the British service in disgust.

Retaining, however, his predilection for the sea, as soon as he lost his parents, he abandoned those pursuits which had been pointed out for him, and entered an apprentice on board a ship in the London trade.

His master, the captain of the vessel, did not fulfil, on his part, the articles which he had entered into with Aylwin. Instead of allowing him six months' tuition at a naval academy, according to stipulation, his master continued him on board the ship, which he employed in the West India trade. Aylwin, nevertheless, so much profited by a short experience, that after two voyages, he was advanced to be mate of the ship, being then about fifteen years of age. Some dispute having arisen between him and the Captain, the latter wreaked upon Aylwin, a vengeance to him emphatically horrible. It was contrived, that he should be kidnapped by a press-gang.

After his impressment, he was put on board a gun brig; and here every artifice was practised, and every means employed, to induce him to enter voluntarily into the English service. Promotion was offered him in case of his compliance, and on his refusal, his letters to his friends were suppressed, and himself continued, from day to day, and from year to year, without prospect of deliverance, traversing distant seas, and enduring all the diversities of climate. The North Sea, the Mediterranean, the Red Sea, the Indian Ocean, and the East Indies, with all their varieties of climate and misery, had tried his patience and weakened his frame. His diminishing health rendering him less serviceable, he was released, and came to Boston, after being six years in imprisonment. Thus a temporary

loss of health, was the instrument of a permanent enjoyment of liberty. Nor were his sufferings unattended or unrewarded by countervailing advantages. He had become a finished seaman; and having acquired that accomplishment, principally during long service in an armed vessel, and having borne a part in several engagements, he was likewise a proficient in naval warfare.

He now entered the merchant service, which he prosecuted as master of a vessel for several years. At the beginning of the late war, he was appointed sailing-master of the frigate *Constitution*, Captain Hull, with an understanding, that this appointment should not prejudice his claim to promotion as a commissioned officer, and also, that such promotion should take place with all proper expedition. On the first cruise of the *Constitution*, his seamanship was called into exercise. Her escape, after a pursuit of sixty hours, on her first putting to sea from the Chesapeake, is reckoned among the most masterly manœuvres which have been performed in the navy. In such circumstances, the duty of sailing-master is most important; and in the event of success, he may justly claim a proportionate degree of credit.

Mr. Aylwin continued on board the *Constitution* till the capture of the *Java*, which terminated his life. At the capture of the *Guerriere*, he still officiated as sailing master; and by his display of nautical skill, both in bringing her into action and managing her during its continuance, called forth the applause of Captain Hull, and of every person who was witness of it. In this action he received a wound from a musket ball, and was afterwards appointed lieutenant, in which character he again sailed in the *Constitution*, Captain Bainbridge. In her action with the *Java*, where the capture of the latter was purchased with the life of Aylwin, his courage and skill came up to the high anticipations which his former merits had excited. A musket ball or grape shot, struck him just under the collar bone, and came out at the shoulder blade. We close this memoir, by the obituary notice furnished to the public by Commodore Bainbridge.

“Died, on board the United States’ frigate *Constitution*,

at sea, the 28th of January, 1813, of wounds received in the action with the *Java*, Lieutenant John Cushing Aylwin, of the United States navy. He entered the service about the time war was declared, as a sailing-master, and was promoted to a lieutenancy, for his gallant conduct in the action with the *Guerriere*. He was an officer of great merit, much esteemed by all who had the pleasure of his acquaintance. He had seen much of the world, and improved his opportunities of observation; possessed a strong mind, with great benevolence of disposition. In his death, our country has suffered a great loss—his friends a painful deprivation.

“In the action with the *Guerriere*, he stood on an elevated situation, by the side of his brave comrades, Morris and Bush, at the time the two vessels came in contact, and was wounded in the left shoulder with a musket ball.

“In the late action he commanded the forecastle division, and his bravery and marked coolness throughout the contest, gained him the admiration of his commander, and all who had an opportunity of witnessing him.

“When boarders were called to repel boarders, he mounted the quarter deck hammock-cloths, and, in the act of firing his pistols at the enemy, received a ball through the same shoulder. Notwithstanding the serious nature of his wound, he continued at his post till the enemy had struck; and even then did not make known his situation till all the others wounded had been dressed. His zeal and courage did not forsake him in his last moments: for, a few days after the action, though labouring under considerable debility, and the most excruciating pain, he repaired to quarters, when an engagement was expected with a ship, which afterwards proved to be the *Hornet*. He bore his pain with great and unusual fortitude, and expired without a groan.

‘A dauntless soul erect, who smiled on death.’”

WILLIAM BURROWS.

THE birth place of William Burrows is Philadelphia—the time, October 6, 1785. His father, at this time in affluent circumstances, designed to give him a *belles lettres* education. Left to his own inclination, at thirteen years of age, his use of books was gratifying only to curiosity and amusement, subjects not of lasting importance. The accomplishment of polished life, necessarily embraced a knowledge of the living languages, and for the attainment of this object alone was parental authority exercised, which was but partially accomplished. A knowledge of the French, in particular, was considered an accomplishment of the highest order, in the attainment of which the son manifested the greatest reluctance. But in acquiring a knowledge of the German language, with the father a secondary object, he was much more successful. He learnt to speak it in a short period, as fluently as his native tongue.

Having undergone a course of preparatory education, the impulse of his passion was gratified by the reception of a midshipman's warrant, in November, 1799. From this moment, he devoted his hours to acquire a complete knowledge of navigation. In January, 1800, he was ordered to repair on board the Portsmouth, Captain M'Neill, then bound for France. Being as yet a novice in naval service, he reluctantly wore the naval uniform of his country, conceiving those only worthy to wear it, whose experience and knowledge rendered them capable of performing honourably the duties assigned them. In this vessel he returned to the United States in December, 1800. A short residence in France conquered his aversion to the language of that country, and he embraced the opportunity to acquire a knowledge of it sufficient to converse with ease and elegance.

He now applied, and obtained a furlough for a short period, which time he ardently devoted to the farther acquisition of a complete knowledge of the science of navigation.

From the year 1800 to 1803, he served on board several ships of war, in various cruises, unimportant in any point of view, excepting the opportunities offered him to acquire a more perfect knowledge of naval affairs.

In the year 1803, he joined the frigate *Constitution*. This vessel was commanded by Commodore Preble, and was bound for the Mediterranean. The Commodore, conceiving an attachment to him, appointed him, when in the Mediterranean, an acting lieutenant, the duties of which station he honourably fulfilled, during the Tripoline war.

The particular part acted by Lieutenant Burrows in this warfare is not known; he maintained, on the subject of his personal exploits, a profound silence. He never would be the herald of his own fame; but he was just to the merits of his brother officers; and very rarely, could he be induced to speak of affairs in which he was an actor. Whatever was known of Burrows came from other sources. It is a striking fact, that none are more ignorant of his personal exploits than his own immediate relatives. He professed, on all occasions, his contempt of those officers who embraced every opportunity to proclaim their own merits.

In 1807, he returned from Tripoli to his native country, and in the following year, was attached to the Philadelphia station, and employed in the bay and river Delaware, as commander of gun-boat No. 119, enforcing the provisions of the embargo law.

His wit was mingled with a species of whim, that may more properly be denominated humour. With an inflexible gravity of face, he would set the table in a roar, and then reprove his guests for the turbulence of their mirth. Not a single smile would enliven the gravity of his visage, while all the company were vociferous in their joy. In this action and retro-action, between mock solemnity and uncontrollable mirth, Lieutenant Burrows was pre-eminent. Under the pretext of repressing the mirth of conversation,

he enlivened it beyond all bounds, and could assume any character he thought proper. While employed in a service in which his master passion of glory could receive no gratification, he gave this singular species of whim and eccentricity full play. He would, while on shore, have the grave and saturnine character of the severe and unbending moralist, or the light and airy fop, as occasion demanded. Whatever character was wanting to complete the conviviality of the group, when assembled, Burrows assumed it. By this happy versatility of talent he became a desirable guest at every table, and was the favourite of all classes of men. His approach was hailed as the certain precursor of wit and humour; and the company, on a second interview, were sure of beholding him in a character entirely different from the first. By this happy combination of humour, and an eccentricity always sparkling, and always various, while he rigidly enforced the observance of the embargo law, he acquired the confidence and affection of the inhabitants. He relieved the asperities of this unthankful service by such arts; and the citizens supplied him with the best provisions, for the use of the men whom he commanded, and were incessant in their invitations for him to become a guest at their tables. When he was called off from this service, it was a subject of general regret.

In 1809, he was ordered to join the frigate *President*, Captain Bainbridge. From this ship he was transferred to the sloop of war *Hornet*, as first lieutenant, under Captain Hunt. In a dangerous and heavy gale, his brother officers have reported, that by his superior skill and intrepidity, as an officer, the ship and the crew were both preserved from what they deemed inevitable destruction.

In his promotion to a lieutenancy, he found himself outranked by his junior officers. This was so severely wounding to his pride, that he remonstrated to the proper department, in very feeling terms. He stated, that he was now commanded by lieutenants who had formerly served under him, in the Tripoline war. To withdraw a commission from the individual on whom it is conferred, to declare an officer unworthy of the honour thus bestowed,

is an outrage of the same character as wantonly to place a junior over the head of his senior officer. Whether objections of this nature weighed with the government, we know not: but certainly his remonstrances proved ineffectual. Finding no prospect of having his complaints regarded with a favourable ear, he tendered his resignation to Mr. Secretary Hamilton, at the time of that gentleman's going out of office. It was not accepted, and Lieutenant Burrows had now to bear with fortitude what he was unable to remedy. He applied to the government in March, 1812, for a furlough, for the purpose of prosecuting a voyage to India, which was granted. He found this indispensable, as his circumstances were, at this time, somewhat embarrassed; and he accordingly went on board the ship *Thomas Penrose*, from Philadelphia, bound to Canton, under the command of Captain Ansley, of that city. On the return passage, the ship was captured and carried into Barbadoes. Lieutenant Burrows arrived in the United States, on his parole, in June, 1813, and in the succeeding month, was regularly exchanged.

Shortly after this, he was ordered by government to repair to Portsmouth, New Hampshire, and to take the command of the United States' sloop of war *Enterprise*, then in a state of readiness for sea. His mind was still sore with a sense of his unredressed grievance, on the subject of his rank. But the prospect of active service gratified his love of glory, which superseded all other considerations. He declared, to an intimate friend, that he would serve during the war, and that he would then dash his commission into the fire. He sacrificed all minor feelings, and promptly accepted the appointment.

The *Enterprise* left the harbour of Portsmouth on the 5th of September, 1814. The next day, she fell in with his Britannic majesty's brig the *Boxer*, mounting sixteen eighteen pound carronades, and two long nine pounders. The *Boxer* fired a shot, hoisted English colours, and immediately bore down on the *Enterprise*. The American vessel was tacking and making preparations for action. Having obtained the weather gage, she manœuvred for some time to try her sailing, and to ascertain the force of

her antagonist, At length she shortened sail, hoisted three ensigns, and fired three shots in answer. The action now grew warm; the Boxer bore within half pistol shot of the Enterprise, and giving three cheers, fired her starboard broadside. She was answered by three cheers and a larboard broadside from the Enterprise, and the action became general. The Enterprise having the advantage of the wind, ranged ahead of her enemy, rounded to on the larboard tack, and commenced a raking broadside. The enemy's maintopsail and topsail yards came down, and the Enterprise taking a position on the starboard bow of the Boxer, and opening a raking fire, compelled the enemy to cry for quarters. Their colours were nailed to the mast, and could not be hauled down. This action was continued for forty-five minutes, during which time the Boxer received much damage in sails, rigging, spars, and hull. The Enterprise had but one eighteen pound shot in her hull, one in her mainmast, and one in her foremast. Her sails were much cut with grape shot, and a great number of grape were lodged in her side. The Boxer had twenty eighteen pound shot in the hull, most of them at the water's edge, with several stands of eighteen pound grape in her side. Lieutenant M'Call stated his loss to have been four killed, and ten wounded. The number killed on board of the Boxer is uncertain: the same officer states, from the best information which he was able to procure, that of the enemy, between twenty and twenty-five were killed, and fourteen wounded.

At the first fire, Lieutenant Burrows was mortally wounded by a musket ball; he refused, notwithstanding, to be carried below, and during the whole of the action, he lay bleeding on the deck. With his dying lips he requested that the flag might never be struck. When the sword of his gallant enemy was presented to him, he clasped his hands together, and exclaimed, "I am satisfied—I die contented." He was then carried below, and expired shortly after. Captain Blythe, of the Boxer, who was killed by a cannon ball, was one of the supporters of the pall at the funeral of the unfortunate Lawrence. These brave men now slumber side by side, and their antipathies

with them. The following resolution unanimously passed both houses of congress:

“*Resolved*, by the senate and house of representatives of the United States of America, in congress assembled, That the president of the United States be requested to present to the nearest male relation of Lieutenant WILLIAM BURROWS, and to Lieutenant EDWIN R. M'CALL, of the brig Enterprise, a gold medal, with suitable emblems and devices; and a silver medal, with like emblems and devices, to each of the commissioned officers of the aforesaid vessel; in testimony of the high sense, entertained by congress, of the gallantry and good conduct of the officers and crew, in the conflict with the British sloop Boxer, on the fifth of September, in the year one thousand eight hundred and thirteen. And the president is also requested to communicate to the nearest male relation of Lieutenant BURROWS, the deep regret which congress feel for the loss of that valuable officer, who died in the arms of victory, nobly contending for his country's rights and fame.”

The remains of the gallant commanders, Burrows and Blythe, were buried at Portland with military honours.

The following memorial was caused to be inscribed on the monument of the gallant Lieutenant Burrows, of Portland, by Mr. M. L. Davis, of New York:

“Beneath this stone, moulders the body of William Burrows, late commander of the United States' brig Enterprise, who was mortally wounded on the 5th of September, 1813, in an action which contributed to increase the fame of American valour, by capturing his Britannic Majesty's brig Boxer, after a severe contest of forty-five minutes. A passing stranger has erected this monument of respect to the name of a patriot, who, in the hour of peril, obeyed the loud summons of an injured country, and who gallantly met, fought, and conquered the foemen.”

JAMES LAWRENCE.

JOHN LAWRENCE, Esq. was a respectable lawyer of the state of New Jersey, and resided in the city of Burlington. He had several children, sons and daughters, of whom the youngest, James, forms the subject of this memoir. He had the misfortune to lose his wife, a few weeks after the birth of this son, which took place on the 1st of October, 1781, and, consequently, committed him to the affectionate care of his daughters, for whom their brother ever manifested the warmest gratitude and friendship.

His juvenile years were checkered with nothing more than the ordinary occurrences to which that stage of life is universally subjected. He was mild in his temper, modest in his manners, dutiful and affectionate to his relatives and friends.

His father designed him for the bar, but he, very early, discovered a predilection for naval pursuits, from which, in vain, his father attempted to divert him. In obedience, however, to his father's wishes, he spent a few years in the dry studies of the law, until his father's death, which enabled him, by the consent of his uncle, to follow the bent of his inclination. He learned navigation, and, at seventeen years of age, was honoured with a midshipman's warrant. His first voyage was a cruise, in the ship *Ganges*, under Captain Tingey, in the West Indies, during the short misunderstanding between France and the United States. This and several subsequent ones furnished no incidents of character worthy of record. The Tripoline war, however, was of a different cast. In this the most determined spirit was displayed. At this time, Mr. Lawrence was appointed a Lieutenant, and assumed the command of the schooner *Enterprise*. During this expedition he volunteered in the hazardous exploit of destroying the frigate *Philadelphia*, and accompanied Decatur as his first

lieutenant. The brilliant success of that enterprise is well known, and for the gallantry and skill displayed on the occasion, Decatur was made post-captain, while Lawrence, in common with the other officers and crew, was voted, by Congress, only two months extra pay—which he declined accepting.

The harbour of Tripoli seemed now to have become a sort of rendezvous and school for the American infant navy. The coast of Barbary was the field of their first experience and youthful achievement. The most of the officers may be fairly styled young heroes, full of life, spirit, and enthusiasm—It was there they formed those strong ties of brotherly love and friendship, that natural confidence, which has distinguished them for that bold spirit and defiance of danger, evinced throughout the late war, and which is without a parallel in any other nation of the same duration.

Nearly three years and a half did Lawrence remain on the Mediterranean station, after which he returned to the United States with Commodore Preble, and was sent out as commander of gun-boat No. 6, in which station he remained for sixteen months; after this he acted as first lieutenant of the *Constitution*, and as commander successively of the *Vixen*, the *Wasp*, the *Argus*, and the *Hornet*.

In 1808, he was married to the daughter of Mr. Montdavert, a respectable merchant of New York.

Soon after the commencement of the late war against Great Britain and its dependencies, he sailed in the *Hornet* sloop of war, as part of the squadron that cruised under Commodore Rodgers. While he was absent on this cruise, Lieutenant Morris was promoted to the rank of post-captain for his bravery and skill as first lieutenant of the *Constitution*, in the action with the *Guerriere*.

This appointment, as it raised him two grades, and placed him over the heads of older officers, gave offence to many of the navy, who could not brook that the regular rules of the service should be infringed. It was thought partially unjust, as giving him rank above Lawrence, who had equally distinguished himself as first lieutenant

of Decatur, in the destruction of the frigate Philadelphia, at Tripoli, and who, at present, was but master and commander.

On returning from this cruise, Lawrence consulted with his friends, and addressed a memorial to the Senate, in a letter to the Secretary of the Navy, wherein, after acknowledging the great merits and services of Captain Morris, he remonstrated in the most respectful and temperate, but firm and manly language, on the impropriety of his promotion, as being contrary to the nature of naval precedence, and particularly as it respected himself; at the same time he frankly mentioned that he should be compelled, however reluctantly, to leave the service, if thus improperly outranked.

The reply of the Secretary, was brief and singular—barely observing—“*that if he thought proper to leave the service without a cause, there would still remain heroes and patriots enough to support the flag.*”

This laconic epistle did not come directly to Lawrence's hands, as he had then set out on another cruise to the Brazils, with Commodore Bainbridge, in the Constitution. Off the Brazils, they fell in with a British sloop of war called the *Bonne Citoyenne*, having a large amount of specie on board, which they chased into St. Salvadore. This vessel was larger and of greater force than the *Hornet*, yet Captain Lawrence had contrived to have information communicated to Captain Green of the *Bonne Citoyenne*, acquainting him that he wished for an interview, and pledging his honour that neither the Constitution nor any other vessel would interfere, which was supported by a similar one given by Commodore Bainbridge, that he should not interfere; yet Captain Green, declined the combat, alleging, that though perfectly satisfied that the event of such a rencountre would be honourable to his ship, yet he was equally convinced that Commodore Bainbridge could not swerve so much from the paramount duty he owed his country, as to become an inactive spectator, and see a ship belonging to the very squadron under his orders, fall into the hands of the enemy.

It was immediately made known to Green that Commo-

dore Bainbridge left the *Hornet* for four days, off from the harbour in which the *Bonne Citoyenne* lay; and at the distance of forty miles. Lawrence afterwards went into the harbour, and remained three days, when he might only have remained twenty-four hours had Captain Green requested it. At length the *Constitution* went off altogether, leaving Lawrence to blockade the *Bonne Citoyenne*, which he did for nearly a month, Captain Green not judging it proper to risk an encounter. The only excuse that could have been made for Green is, that he did not think himself fit to depart from the purpose of his voyage, and risk his vessel in a contest for mere individual reputation. The arrival of the British ship *Montague*, of 74 guns, from Rio Janeiro, obliged Captain Lawrence to change his cruising ground, on the twenty-fourth of January. The *Montague* had been expressly sent for the purpose of relieving the *Bonne Citoyenne* and a British packet of 12 guns, which also lay at St. Salvadore. During this cruise, Captain Lawrence fell in with the British brig *Peacock*, Captain Peake, off Demarara, a vessel of about equal force. The combat commenced within half pistol shot, and so tremendous was the fire from the *Hornet*, that, in fifteen minutes, the *Peacock* surrendered, and made signals of distress, being in a sinking condition. Her main-mast had gone by the board, and she was altogether reduced to an absolute wreck, in so great a degree, that, notwithstanding every exertion was made to keep her afloat till the prisoners could be removed, she sunk with thirteen of her crew, and three brave American tars, who thus nobly perished in endeavouring to relieve a conquered foe. Among the slain on board the *Peacock*, was found the body of Captain Peake, who was wounded twice during the action, the last of which proved mortal. His body was wrapped in his flag, as a shroud, and laid in the cabin.

During the battle, the British brig *L'Espeigle*, mounting fifteen thirty-two pound carronades, and two long nines, lay at anchor about six miles in shore. The *Hornet* accordingly was put immediately in a situation for commencing another action, and in about three hours was in

complete repair, but the enemy did not think proper to make any attack.

The conduct of Captain Lawrence towards the prisoners was truly humane and commendable, and such has been the conduct generally of all the officers of our navy, on similar occasions. The officers of the *Peacock*, on their arrival at New York, said, "they ceased to consider themselves as prisoners;" besides making a public acknowledgment in the newspapers, to Captain Lawrence, for his good treatment.

It must also be recorded, to the honour of the *Hornet's* crew, that, on observing the *Peacock's* prisoners had lost all their clothing by the sinking of their ship, these good fellows made a muster, and from their own wardrobes supplied each prisoner with two shirts and a blue jacket and trowsers.

On returning to this country, Captain Lawrence was received with great distinction and applause, and various public bodies conferred on him peculiar tokens of approbation. While absent, the rank of post-captain had been conferred on him, and shortly after his return, he received a letter from the Secretary of the Navy, offering him the command of the frigate *Constitution*, provided neither Captains Porter nor Evans applied for it, they being older officers. Captain Lawrence respectfully declined this conditional appointment, for satisfactory reasons which he stated to the secretary. He then received an unconditional appointment to that frigate, and directions to superintend the navy-yard at New York in the absence of Captain Ludlow. The next day, to his great surprise and chagrin, he received counter orders, with instructions to take command of the frigate *Chesapeake*, then lying at Boston, nearly ready for sea. This appointment was particularly disagreeable to him. He was prejudiced against the *Chesapeake*, both from her being considered the worst ship in our navy, and from having been in a manner disgraced in the affair with the *Leopard*. This last circumstance had acquired her the character of an unlucky ship—the worst of stigmas among sailors, who are devout believers in good and bad luck; and so detri-

mental was it to this vessel, that it has been difficult to recruit crews for her.

The extreme repugnance that Captain Lawrence felt to this appointment, induced him to write to the Secretary of the Navy, requesting to be continued in the command of the *Hornet*. Besides, it was his wish to remain some short time in port, and enjoy a little repose in the bosom of his family: particularly as his wife was in that delicate situation, that most calls forth the tenderness and solicitude of an affectionate husband. But though he wrote four letters to the secretary, he never received an answer, and was obliged reluctantly to acquiesce.

While lying in Boston roads, nearly ready for sea, the British frigate *Shannon* appeared off the harbour, and made signals expressive of a challenge. The brave Lawrence immediately determined on accepting it, though conscious at the time of the great disparity between the two ships. The *Shannon* was a prime vessel, equipped in an extraordinary manner, for the express purpose of combating advantageously one of our largest frigates. She had an unusually numerous crew of picked men, thoroughly disciplined and well officered. She was commanded by Captain Broke, one of the bravest and ablest officers in the service, who fought merely for reputation.

On the other hand, the *Chesapeake* was an indifferent ship, with a crew, a great part of whom were newly recruited, and not brought into a proper discipline. They were strangers to their commander, who had not had time to produce that perfect subordination, yet strong personal attachment, which he had the talent of creating wherever he commanded. His first lieutenant was sick on shore; the other officers, though meritorious, were young men; two of them mere acting lieutenants; most of them recently appointed to the ship, and unacquainted with the men.

The most earnest endeavours were used, by Commodore Bainbridge and other gentlemen, to dissuade Captain Lawrence from what was considered a rash and unnecessary exposure. He felt and acknowledged the force of their reasons, but persisted in his determination. He was pe-

cularly situated : he had formerly challenged the *Bonne Citoyenne*, and should he decline a similar challenge, it might subject him to sneers and misrepresentations. Among the other unfortunate circumstances that attended this ill-starred battle, was the delay of a written challenge from Captain Broke, which did not arrive until after Captain Lawrence had sailed. It is stated to have been couched in the most frank and courteous language ; minutely detailing the force of his ship ; and offering, if the *Chesapeake* should not be completely prepared, to cruise off and on till such time as she made a specified signal of being ready for the conflict. It is to be deeply regretted that Captain Lawrence did not receive this gallant challenge, as it would have given him time to put his ship in proper order, and spared him the necessity of hurrying out in his unprepared condition, to so formal and momentous an encounter.

After getting the ship under way, he called the crew together, and having ordered the white flag to be hoisted, bearing the motto, "Free trade and sailors' rights," he, according to custom, made them a short harangue. While he was speaking, several murmurs were heard, and strong symptoms of dissatisfaction appeared in the manners and countenances of the crew. After he had finished, a scoundrel Portuguese, who was boatswain's mate, and acted as spokesman to the murmurers, replied to Captain Lawrence in an insolent manner, complaining, among other things, that they had not been paid their prize-money, which had been due for some time past.

The critical nature of the moment, and his ignorance of the dispositions and characters of his crew, would not allow Captain Lawrence to notice such dastardly and mutinous conduct in the manner it deserved. He dared not thwart the humours of men, over whose affections he had not had time to acquire any influence, and therefore ordered the purser to take them below and give them checks for their prize-money, which was accordingly done.

It was on the morning of the first of June that the *Chesapeake* put to sea. The *Shannon*, on seeing her come out, bore away, and the other followed. At 4, P. M.

the Chesapeake hauled up and fired a gun ; the Shannon then hove to. The vessels manœuvred in awful silence, till within pistol shot, when the Shannon opened her fire, and both vessels, almost at the same moment, poured forth tremendous broadsides. The execution in both ships was terrible, but the fire of the Shannon was peculiarly fatal, not only making great slaughter among the men, but cutting down some of the most valuable officers. The very first shot killed Mr. White, sailing-master of the Chesapeake, an excellent officer, whose loss at such a moment was disastrous in the extreme. The fourth lieutenant, Mr. Ballard, received also a mortal wound in this broadside, and at the same moment Captain Lawrence was shot through the leg with a musket ball ; he however supported himself on the companion way, and continued to give his orders with his usual coolness. About three broadsides were exchanged, which, from the closeness of the ships, were dreadfully destructive. The Chesapeake had three men shot from her helm successively, each taking it as the other fell ; this of course produced irregularity in the steering, and the consequence was, that her anchor caught in one of the Shannon's after ports. She was thus in a position where her guns could not be brought to bear upon the enemy, while the latter was enabled to fire raking shots from her foremost guns, which swept the upper decks of the Chesapeake, killing or wounding the greater portion of the men. A hand-grenade was thrown on the quarter-deck, which set fire to some musket cartridges, but did no other damage.

In this state of carnage and exposure, about twenty of the Shannon's men, seeing a favourable opportunity for boarding, without waiting for orders, jumped on the deck of the Chesapeake. Captain Lawrence had scarce time to call his boarders, when he received a second and mortal wound from a musket ball which lodged in his intestines. Lieutenant Cox, who commanded the second division, rushed up at the call for the boarders, but came just in time to receive his falling commander. He was in the act of carrying him below, when Captain Broke, accompanied by his first lieutenant, and followed by his

regular boarders, sprung on board the Chesapeake. The brave Lawrence saw the overwhelming danger; his last words, as he was borne bleeding from the deck, were "Don't surrender the ship!"

Samuel Livermore, Esq. of Boston, who, from personal attachment to Captain Lawrence, had accompanied him in this cruise as chaplain, attempted to revenge his fall. He shot at Captain Broke, but missed him: the latter, made a cut at his head, which Livermore warded off; but in so doing, received a severe wound in the arm. The only officer that now remained on the upper deck was Lieutenant Ludlow, who was so entirely weakened and disabled by repeated wounds received early in the action, as to be incapable of personal resistance. The comparatively small number of men, therefore, that survived on the upper decks, having no officer to head them, the British succeeded in securing complete possession, before those from below could rally. Lieutenant Budd, who had commanded the first division below, being informed of the danger, hastened up with some men, but was overpowered by superior numbers, and cut down immediately. Great embarrassment took place, in consequence of the officers being unacquainted with the crew. In one instance, in particular, Lieutenant Cox, on mounting the deck, joined a party of the enemy, through mistake, and was made sensible of his error, by their cutting at him with their sabres.

While this scene of havoc and confusion was going on above, Captain Lawrence, who was lying in the ward room, in excruciating pain, hearing the firing cease, forgot the anguish of his wounds: having no officer near him, he ordered the surgeon to hasten on deck, and tell the officers to fight on to the last, and never to strike the colours; adding, "they shall wave while I live." The fate of the battle, however, was decided. Finding all farther resistance vain, and a mere waste of life, Lieutenant Ludlow gave up the ship; after which, he received a sabre wound in the head, from one of the Shannon's crew, which fractured his skull, and ultimately proved mortal. He was one of the most promising officers of his age in the service,

highly esteemed for his professional talents, and beloved for the generous qualities that adorned his private character.

Thus terminated one of the most remarkable combats on naval record. From the peculiar accidents that attended it, the battle was short, desperate, and bloody. So long as the cannonading continued, the Chesapeake is said to have clearly had the advantage; and had the ships not run foul, it is probable she would have captured the Shannon. Though considerably damaged in her upper works, and pierced with some shot holes in her hull, yet she had sustained no injury to affect her safety; whereas the Shannon had received several shots between wind and water, and, consequently, could not have sustained the action long. The havoc on both sides was dreadful; but to the singular circumstance of having every officer on the upper deck either killed or wounded, early in the action, may chiefly be attributed the loss of the Chesapeake.

The two ships presented dismal spectacles after the battle. Crowded with the wounded and the dying, they resembled floating hospitals, sending forth groans at every roll. The brave Broke lay delirious from a wound in the head, which he is said to have received while endeavouring to prevent the slaughter of some of our men who had surrendered. In his rational intervals, he always spoke in the highest terms of the courage and skill of Lawrence, and the "gallant and masterly style" in which he brought the Chesapeake into action.

The wounds of Captain Lawrence rendered it impossible to remove him after the battle, and his cabin being very much shattered, he remained in the ward-room. Here he lay, attended by his own surgeon, and surrounded by his brave and suffering officers. He made no comment, nor indeed was heard to utter a word, except to make such simple requests as his necessities required. In this way he lingered through four days, in extreme bodily pain, and then expired.

His body was wrapped in the colours of his ship, and buried by the British at Halifax with the honours of war.

Thence it was removed by his friends to Salem, in Massachusetts, where it received the most particular respect, and was again removed to the city of New York, where it was buried with the honours of war.

At the time of his death he was but thirty-two years old, nearly sixteen of which had been honourably expended in the service of his country. He was a disciplinarian of the highest order, producing perfect obedience and subordination without severity. His men became zealously devoted to him, and ready to do through affection what severity would have never compelled. He was scrupulously correct in his principles, delicate in his sense of honour; and to his extreme jealousy of reputation he fell a victim, in daring an ill-matched encounter, which prudence would have justified him in declining. In battle, where his lofty and commanding person made him conspicuous, the calm collected courage, and elevated tranquillity which he maintained in the midst of peril, imparted a confidence to every bosom. In the hour of victory he was moderate and unassuming; towards the vanquished he was gentle, generous, and humane.

His brother being dead, he was the last male branch of a family which looked up to him as its ornament and pride. His fraternal tenderness was the prop and consolation of two widowed sisters, and in him their helpless offspring found a father. He left also, a wife and two young children, to whom he was fervently attached. The critical situation of the former, was one of those cares, which preyed upon his mind at the time he went forth to battle. The utmost precautions were taken by his relatives to keep from her the knowledge of her husband's fate; their anxiety was soon relieved by the birth of a son. The unfortunate mother at length recovered from a long and dangerous confinement, before she learned the heart-rending intelligence of her husband's fate.

ELEAZER WHEELOCK RIPLEY

WAS born at Hanover, New-Hampshire, the seat of Dartmouth College, April 15th, 1782. He is the grandson of the venerable and pious founder of that institution, Dr. Eleazer Wheelock, whose name he bears, and nephew of the present learned President, honourable John Wheelock, LL. D. His father, Reverend Sylvanus Ripley, a graduate of the first class, and the first professor of Divinity in the College, died in the beginning of the year 1787, universally respected and beloved. Of the young family of six children, thus left, in circumstances not affluent, to the care of an intelligent and pious mother, the subject of this sketch was the second son, then in the fifth year of his age.

He pursued with assiduity the studies preparatory for admission into college; and having completed his academic course, he received the first honours of the University in 1800. He then applied himself to the study of the law, and shortly afterwards was admitted to practice in the county court of Kennebunk, in the District of Maine, state of Massachusetts. At the bar he manifested talents which ranked him among the higher order of barristers, and procured him a popularity that introduced him to a seat in the Legislature of his native state, as a representative from the town of Winslow or Waterville, as soon as the qualification of age would admit. In that body he was not an inefficient member. His political course was marked with action based on the principles of the constitution of the United States, and the rights of mankind. To contend with political opponents who had evinced talents, such as ranked them high as statesmen, was a task of no ordinary magnitude, and he who undertook it, if triumphant, was sure to stand high in party honours.

In January, 1812, he was elected Speaker of the Legislature of Massachusetts, in the place of the honourable Joseph Story, who had then just been elevated to a seat on the bench of the Supreme Court of the United States. At this period he had scarcely attained his 30th year, so fast were his "blushing honours thickening on him." Of the subsequent session of the Legislature, held in May, he was not a member. Having removed to Portland, he was chosen a Senator from Cumberland and Oxford, and took his seat accordingly in the Senate of Massachusetts. In the March following, he disappointed all the fond anticipations of his friends in regard to his rising greatness, by accepting a Lieutenant-Colonel's commission in the army of the United States. The relations then existing between the United States and Great Britain, it was rightly supposed, would eventuate in an open rupture, and he had directed his attentions to the tented field to avenge the wrongs heaped on his country by that haughty and overbearing nation. On the eve of the declaration of war he had been intrusted by General Dearborn with the command of the forts and harbours on the extreme Eastern coast of the Union. In this station he manifested an activity in disciplining his men and strengthening his fortifications, which proclaimed his worth as an officer. In September, 1812, he marched from Portland and reached Plattsburgh in October, a distance of more than 400 miles. Here he joined the Northern army commanded by Brigadier-General Bloomfield. After the campaign had closed, he retired into winter-quarters at Burlington, in Vermont, where, by unwearied exertions he increased his regiment to 700 men before the following spring. His regiment became remarkable for its accuracy in discipline and neatness of dress.

On the 12th of March, 1813, Lieutenant-Colonels Ripley, Gaines, and Scott, were promoted at the same time to the rank of Colonels.

In ten days of that month Colonel Ripley marched his regiment from Plattsburgh to Sackett's Harbour. At the attack on York in Upper Canada, April 27th, "he fleshed his maiden sword."

General Dearborn, with 1700 chosen troops, embarked at Sackett's Harbour, and having arrived before York, confided the immediate command in the attack to the gallant General Pike.

The American army, having debarked, formed in two lines. The 21st regiment, divided into six platoons, with Colonel McClure's volunteers on their flanks, composed the second line. Thus disposed, they moved on to the attack in columns, when the British General, panic-struck, retreated, blowing up one of his magazines. The explosion was tremendous, and friend and foe were its common victims—General Pike was mortally wounded, and died smiling in the arms of victory.—Colonel Ripley was slightly wounded, and the command devolved on Colonel Pearce, of the 17th regiment, until General Dearborn came on shore. The British General Sheaffe, was distinctly seen on his retreat, and the wounded Colonel Ripley pressed his pursuit without delay. The apprehension of another explosion, produced an hour's delay, which enabled the fugitive foe to escape. The town, containing public property of great value, was captured. Some excesses, by the American soldiery, were at first committed. To put a stop to this, General Dearborn ordered Colonel Ripley and his regiment, as a town guard, to protect private property. The Colonel executed the command with the strictest propriety, and under circumstances very honourable to himself—for spoils which by the rules of war were his, he spurned to touch. By some unaccountable neglect, he remained on duty three days and nights without sleep. Incessant duty and fatigue impaired his health. The army after it again disembarked at Niagara was sickly, in consequence of its exposure to rains for a week on board the fleet. Colonel Ripley was present at the capture of Fort George, on the 27th of May; but was not present in the action on Stony Creek, when Generals Chandler and Winder were taken by surprise. In order to afford him an opportunity to repair his feeble health, General Dearborn ordered his regiment, diminished by hard service, to convoy the prisoners to Oswego, and then proceed to Sackett's Harbour. Having accomplished this

duty, he was detained at that post for several days by severe sickness. His devotion to the military art, induced him to resist every advice of his friends while at Sackett's Harbour, to withdraw for some time from the duties of his station. His attachment to *Fame*, induced him to press forward, and make every sacrifice to enter the portals of her *Temple*.

Preferring the British mode of drill, he made his regiment perfectly acquainted therewith, prior to their embarkation under General Wilkinson, in the attack against Montreal, the failure of which was owing to the then Secretary of War, and General Hampton.

In descending the St. Lawrence for the attack on Montreal, a severe duty was necessary—every corps of the army was exposed to the attacks of a vigilant foe. The 11th of November, was distinguished by the battle of Williamsburgh, where the lamented and brave Covington fell. Colonel Ripley, with his regiment, commenced the action. His conduct, throughout the contest, was marked with peculiar bravery. The troops fought in great confusion, and the battle lasted for three hours. In giving orders, the fence on which he stood, was carried away by a cannon ball. The part of his regiment in action, amounted to three hundred and thirty-nine, of which about eighty were killed or wounded. He went into winter quarters at French Mills, in consequence of the refusal of General Hampton to unite with General Wilkinson. Here his regiment, on the consolidation of the army, was united with the 11th. His wife, to whom he was married in 1811, repaired to him in camp, against the entreaties of friends, in order to assist him in his feeble state of health. In the midst of winter, the cantonment was ordered to be broken up, and the army ordered to repair to the Niagara frontier. Colonel Ripley was ordered to proceed to Albany, to forward on artillery and stores for the ensuing campaign. At this time the consolidated regiment was restored. On the 18th of April, Colonel Ripley was advanced to the rank of Brigadier-General. He took leave of the officers and men of his regiment on this occasion, who manifested for him every token of respect,

the officers having presented him an elegant sword as a grateful recollection.

A short time previous to this, General Scott, in the absence of General Brown, took the command of the army at Buffalo. This officer used every exertion to promote a strict and necessary discipline. Each corps was emulous to excel. General Ripley devoted his time to the instruction of his brigade.

On the arrival of General Brown at Buffalo,* in June, 1813, it was determined to invade the upper province, in order to attack Fort George and recover Fort Niagara, and thence to march round the lake to Kingston. This project General Ripley opposed with all his talents, for he was confident that the army, which consisted of less than three thousand regular troops, was too feeble to accomplish the proposed object. He had already accompanied three invasions of Canada, with an incompetent force. He knew that Fort Erie, directly opposite to Buffalo, must immediately fall; but in respect to the ultimate objects, he saw no prospect of success. Although the invasion brought high honour to the American arms—in gaining which he had a full participation—yet the result justified his opinions. Not one of the grand objects proposed was accomplished.

In making the necessary arrangements, the 9th, 11th and 25th regiments, were assigned to the brigade of General Scott, while General Ripley had the 21st, under Major Grafton, with which were incorporated, during the campaign, one company of the 17th under Capt. Chunn, and one of the 12th under Lieut. M'Donald. He had also a battalion of the 23d regiment under Major M'Farland, consisting principally of recruits lately received, and imperfect in discipline. The four regiments first mentioned were of New-England, and the last one of New-York.

On the 3d of July, the American army crossed the Niagara river. Gen. Scott with the main body crossed from

*This arrangement was made by the War-Minister to cover the misconceptions of General Brown, in regard to his orders to attack Kingston, for an explanation of which, see note to General Brown's Life.

the boats below Fort Erie, while General Ripley, with the 21st, in two United States schooners, passed up the lake, and disembarked a mile above the fort, which was immediately invested. It was surrendered the same day without the necessity of firing a gun. The next day the army marched to Chippewa, at which place General Brown arrived with the reserve under Gen. Ripley at 1 o'clock, A. M. The battle of July 5th covered Gen. Scott and his brigade with merited honour, for in the open field and fair combat he achieved a complete victory over superior numbers. Gen. Ripley had no opportunity to encounter the enemy. The American army was encamped on the south side of Street's Creek, distant two miles and a half from the enemy's strong work on the north side of Chippewa Creek. The action was fought on the intermediate plain. For a considerable time after the engagement commenced, Gen. Ripley's brigade remained, drawn up in order of battle, exposed to the fire of the enemy's artillery, the shot from which ranged through his line—although he was very solicitous to advance. At length he was ordered, but at too late a period, to take the 21st regiment and pass to the left of the camp, skirt the woods so as to keep out of view, and fall on the rear of the enemy's right flank. "This order," says General Brown, "was promptly obeyed, and the greatest exertions were made by the 21st regiment to gain their position and close with the enemy, but in vain." General Ripley was obliged to ford Street's Creek to the left of the bridge, crossing a morass almost impassable—when he arrived on the Chippewa, the battle was over. Had this *detour* been suffered to be made as soon as the action commenced, the enemy must have lost many prisoners; and if the retreat across Chippewa draw-bridge to his works could have been cut off, General Riall's whole force would inevitably have been captured. Prudence indeed might forbid the commanding General to send out a party of his reserve on such a duty, at the very beginning of an action, the result of which was doubtful; but the *detour* was ordered before the result of the action could be foreseen. General Brown, says,—“from General Ripley and his brigade, I have received

every assistance that I gave them an opportunity of rendering."

The American troops gained a splendid victory, but the enemy was yet secure in a position of great strength behind a deep creek, which could not be forded within a distance of forty miles. It was determined to construct a bridge, and force a passage. July 8th, General Ripley was detached on this duty. Crossing the bridge over Street's Creek, he opened a road two or three miles through the woods on the left, and reaching the Chippewa one or two miles above the British, planted his heavy train of artillery for the protection of the artificers, and even began to construct the bridge without exciting alarm or being molested. But the British soon appeared with several pieces of artillery, and opened a fire of shells and round shot, which was returned so vigorously with grape and canister as to force them to retreat. Hearing this tremendous cannonade of our 18 pounders at a point which he supposed inaccessible to our artillery, General Riall, instead of strengthening the party which he had detached, immediately abandoned his strong position, and retired precipitately upon Queenston. The whole American army encamped the same night in the enemy's works, having encountered but little of the resistance, which might have been made to the passage of the Chippewa, and which perhaps could have been made with complete success.

July 9th, the United States' army proceeded to Queenston. Gen. Riall retired to Fort George, leaving a sufficient garrison encamped at Twelve Mile Creek, three miles distant from the American camp, making every exertion to call out the militia, and sending down the lake for regular troops. General Ripley, persuaded that this was a favourable moment for a decisive action, strongly urged the necessity of immediately pursuing the enemy. But our troops remained ten days idle at Queenston, and then attempted to besiege Fort George. In the mean time, General Riall's army recovered from the late panic, and was strengthened by the large numbers of militia, called out *en masse*. Had our troops remained three days longer

before Fort George, their safety would have been put to the most imminent hazard, for within that time strong reinforcements arrived from Kingston to the enemy, so that Riall would have been emboldened to seize a strong position in our rear. This position must have been carried by our army in order to effect a retreat; for being destitute of boats, it was impossible to cross the Niagara below the falls. But on the 22d of July our troops fell back to Queenston Heights, and on the 24th to Chippewa.

About this time General Ripley's brigade was strengthened by the veteran battalion of the 23d regiment, under Major Brooke, from Plattsburgh, and Colonel Miller, who was promoted to the 21st, arrived and took command of that regiment.

The memorable battle of Niagara Falls, July 25th, covered General Ripley and his brigade with military glory; which, though not so durable as the thunder of the cataract, will yet be as permanent as the memory of the action and as the honours which are awarded to the brave.

The British having received strong re-enforcements from Kingston, were put in motion in pursuit of the American army. A column of five hundred British, under Lieutenant-Colonel Tucker, was detached to Lewistown, on the American side of the Niagara to capture the American sick and baggage.—General Riall advanced from his encampment at Twelve Mile Creek by the Lundy-Lane road, which intersects the river road just below the falls;—and General Drummond marched up from Fort George, on the river road direct to Chippewa. General Brown, who was now meditating the pursuit of General Riall, and a long march to Burlington Heights, did not apprehend that the enemy was near him, and in a capacity to fight him. To recall Colonel Tucker from the American side of the river, and to prevent his marching towards Buffalo, General Brown determined to make a movement towards Queenston, seven miles below the falls.

General Scott, who was detached with about 1000 men, marched in the afternoon; but when he reached the junction of the Lundy-Lane road with the road down the river, he found General Riall, who had just arrived from the

Twelve Mile Creek, occupying a strong position. The action immediately commenced, at the distance of about three miles from the American camp. As soon as the firing was heard, General Ripley formed his brigade, and by order of General Brown advanced to the support of General Scott. His brigade that morning reported 730 men fit for duty; of these a hundred or more were on guard, or out of camp, when he was ordered to march. He proceeded instantly and with his uncommon rapidity, his men actually running a part of the way, and arrived on the ground between sunset and dark. At this time General Scott's brigade having suffered extremely by the tremendous fire of the enemy's artillery of nine pieces planted on a height in the centre of their line, was covered in the woods. General Ripley, as is stated by General Brown, was ordered to disengage and relieve General Scott, by forming a new line; but the precise order was, that he should form on the right of General Scott; and this was the only order which he received, except the order at the close of the action to retire from the field. His aid, Lieutenant M'Donald, bringing intelligence that the right of General Scott would bring him in the woods out of the fight, he resolved to advance directly towards the enemy. As he advanced, the fire of the battery was directed at his brigade. Two shrapnell shells only, striking the 23d regiment, killed and wounded twenty-four men. To remain exposed to this dreadful fire, was impossible, for his brigade also would soon be cut in pieces. There was no alternative but either to carry the battery, or abandon the field. Having made his decision, General Ripley put his brigade in motion to execute the desperate enterprise. Regardless of the enemy's fire, he marched down the road until he arrived within a short distance in front of the height. Here the smoke and darkness favoured him, and being in a hollow, the shot passed over his head. In order to execute his intentions, he formed in line his gallant 21st regiment, in which, as well as in Colonel Miller, he had perfect confidence, directly fronting the battery. He determined to lead the 23d regiment, which consisted partly of recruits, and required his presence, and attack

the enemy's left flank to divert their attention from the 21st.

Having made his arrangements, he marched off the 23d regiment a little to the right, then giving it a direction towards the battery, led his troops to the attack, he being on horseback. Receiving the fire of the enemy, the regiment faltered, but he immediately rallied it and renewed the action. Colonel Miller made the assault in front with determined bravery; and the line of infantry, posted for the support of the artillery, being dispersed by the attack on the flank, the battery was carried at the first charge. Confident that the utmost efforts would be directed to the recovery of this position and of the artillery, General Ripley immediately sent his aid to General Brown, to apprise him of what had been done, and to request him to remove and secure the cannon, but the request was disregarded. Advancing his line some distance in front of the battery, the 23d regiment, with Towson's artillery, was formed on the right of the 21st. A part of the 1st regiment, under Lieutenant-Colonel Nicholas, was stationed on the left, and on the extreme left the brave General Porter with his volunteers. Before the close of the battle, the 25th regiment also, under Major Jessup, was directed to be brought up, and was formed on the right of the whole. In this order the attack was awaited. General Ripley directed the front rank to kneel, and that not a gun should be fired until the enemy had delivered his fire—then, that deliberate aim should be taken. As the British advanced to the attack, they received such a deadly fire, as to be driven again down the hill. These charges were repeated five or six times with the same result. At this period General Scott, eager to strike a decisive blow, threw himself before General Ripley's line, without apprising him of the movement, attacked the enemy, but was wounded and repulsed. Being between two fires, it is supposed that, in consequence of the darkness and confusion, he suffered from both. Obstinate and indignant at the loss of the battery, and at the result of every attempt to recover it, the British forces advanced with heroic determination. General Ripley's brigade, and other troops under his com-

mand, were formed as before. Notwithstanding a most destructive fire, the enemy pressed on and engaged with the point of the bayonet. Overcome by numbers, our troops on the right and left gave way; Towson was obliged to spike and abandon his pieces, and total discomfiture seemed unavoidable. But a part of the central brigade, animated by the gallantry of their commander, remained firm; the flanks were rallied by his exertions, and the exertions of the brave officers, and the enemy was again forced down the hill. This was the termination of the conflict, for at this period, after the enemy had been repulsed in the last attack, General Ripley received an order from General Brown to collect his wounded, and retire immediately to camp. Upon going to his rear, and finding that the cannon had not been removed, and "the trophies of victory had not been accomplished" according to his request, he ordered a detachment of Porter's volunteers to drag them off the ground; but the want of ropes rendered it necessary to leave them behind. Besides, the men, after fighting five or six hours, were exhausted by fatigue, and incapable of exertion. Nor was it safe to linger in the rear, for the enemy immediately pressed up the hill, and actually took several prisoners by the side of the artillery. As General Ripley marched from the field of battle, but two platoons of General Scott's brigade, under Major Levenworth, could be collected; and of the whole army, it was estimated by several officers, that not more than five hundred men returned with him to camp, the rest having been dispersed.

Such was the heroic enterprise, which was projected, ordered, and executed, by General Ripley, who was on horseback, and frequently in front, during the whole engagement. Two musket balls pierced his hat, another struck a button of his coat, and another wounded his horse. The principal officer belonging to his brigade, that fell, was the brave Major M'Farland of the 23d. Of six Generals present, four were severely, and one slightly wounded. General Ripley alone, although exposed to every danger, was unhurt. In this action, was a greater loss of men in killed and wounded, than occurred in any

battle during the war of the revolution—the British acknowledging a loss of eight hundred and seventy-eight; and our loss but seven hundred and forty-three. The last charge, about midnight, was a fearful and tremendous conflict.

After the return to camp, General Brown, who states that he had assigned the command to General Ripley, yet *ordered* him, as the day dawned, “to put himself on the field of battle, and meet the enemy if he appeared.” He was ordered to take his own brigade and Porter’s volunteers. He marched accordingly; but after crossing the Chippewa, was ordered to furnish refreshments to the men. At this time, and not before, the first of General Scott’s brigade was added to his command. Coming in sight of the enemy, and finding that they occupied the battle ground, retaining their cannon, he halted his troops, determined not to risk a general action with an enemy “superior in numbers and position.” The wisdom of abandoning the battery in the night, in order to take it again in the morning, was to him inexplicable. If he was beaten, he knew that he had no place of retreat, and that the whole army would be lost; whereas, if the enemy, by a miracle, should again be dislodged and beaten, they would retire in safety to Fort George. He therefore determined to exercise that prudence which indeed is not always reputable, but which is essential to the character of a good general, and frequently necessary to the safety of an army. General Porter concurring with him in opinion respecting the impolicy of the proposed attack, he now resolved to be *actual*, and not merely *nominal*, commander of the army. For the sake of harmony, however, he first made a representation to General Brown, who at length ordered the troops to return to camp, and soon crossed over to the American side of the river.

Our army, now left in the unquestioned command of General Ripley, was in a critical situation, for the whole effective strength, regulars and volunteers, did not exceed two thousand men. Sending off the sick and wounded, General Ripley burnt the bridge over the Chippewa, and commenced his retreat in good order upon Erie, destroying

every bridge as he passed it, to impede the advance of the enemy. He encamped for the night opposite to Black Rock. July 27th, he took up a position opposite Buffalo; his right resting on Fort Erie, and his line extending about eight hundred yards to Snake Hill on the left. Here he determined to fortify, designating the line of defence. Majors M'Ree and Wood were the engineers. The old Fort Erie, which was extremely feeble, was strengthened, and a strong work, called Fort Williams, or Towson's battery, was constructed on Snake Hill. These two principal works were connected by a line of intrenchments and traverses, which extended also on the right from Fort Erie to Niagara river. On the left from Snake Hill to the lake, was an abattis. Thus a triangular space was enclosed. The whole army laboured on the lines through the day, and some of the more athletic in the night. During the whole night, one third of the officers and men were kept up to the works, attended by General Ripley, or some one of his family, ready to resist a sudden attack. By such great exertions a respectable defence was in a few days constructed. It was four or five days before General Drummond, with a much superior force, encamped opposite to Black Rock, having unaccountably lost an opportunity, which could not be retrieved. To his surprise, he found our troops strongly fortified.

General Gaines, who arrived from Sackett's Harbour on the 4th or 5th of August, being superior in rank, took the command at Fort Erie; but the system of vigilance and defence, which had been instituted, was continued. General Ripley resumed the command of his brigade, which was stationed on the left flank.

The camp at Fort Erie was attacked by the British on the 15th of August. They were repulsed. On this occasion, the dispositions of General Ripley were so judiciously made, that he received no orders from the commanding officer, General Gaines. The particulars of this affair are distinctly given, in consequence of the unwarrantable report of General Brown, of September 1st, censuring him "for not meeting and beating the enemy on the 26th of July." Apprehensive of the designs of the British, Gene-

ral Ripley ordered up his whole brigade to the works, and apprized General Gaines of the intentions of the British, who were advancing, fifteen hundred strong, on the left, by the Point Abino road, secretly, with no flints in their guns, relying on the bayonets for success. Lieutenant Belknap, of the 23d, who commanded the picket guard, two hundred yards in advance, first discovered the enemy, gave them his fire, and retired in good order. His exertions to save his men had nearly cost him his life, as he was so hard pushed that he was bayoneted when entering the sally port, but recovered. The attack was so much resisted by a destructive fire from Towson's battery, and the 21st regiment of infantry, under Major Wood, who commanded in the absence of Colonel Miller, that they were compelled to retreat. The enemy renewed the attack, and were again repulsed. Two hundred of the British waded into the lake in order to pass the American abattis and gain possession of their works. These were repulsed by a destructive fire of two companies of reserve, under Captain Marston, ordered down to the water's edge by General Ripley. The British were repulsed on his flank, with the loss of one hundred and forty-seven prisoners; and General Ripley detached five companies to aid the American right. The loss of the British was, by their own report, nine hundred and five, while that of the Americans amounted only to eighty-four. General Gaines did not judge it prudent to make a sortie. General Gaines was wounded in his quarters by a shell on the 28th of August, and General Ripley was continued in command, by General Brown, during the siege, which lasted six weeks. He was frequently exposed to danger from the numerous shells which the enemy threw into the fort, during its investment. The report of General Brown, induced General Ripley to demand a court of inquiry;—fearful of its result, General Brown refused the equitable request. In order to wipe away the stigma, ungenerously attempted to be cast on his reputation, General Ripley applied to the Secretary at War for redress, and the Secretary promised that a court of inquiry should be held, as soon as the officers requisite for holding such a court

could be spared from the service. In executing a sortie, on the 17th of September, General Ripley commanded the reserve, which he early brought up to support the advance. After the British batteries were carried, General Brown committed the whole to General Ripley's command, with orders to act as circumstances might require. The General attempted an attack on the enemy's camp, and was wounded in the advance by a musket ball, and carried, apparently dead, to Fort Erie. The attempt was successful—the cannon of two or three of their batteries were spiked, and the Americans returned to their quarters, the loss of both parties being nearly equal. At the close of the campaign, fort Erie was abandoned, and the American army crossed over to Buffalo. Ripley's wound was very dangerous, and his sufferings were excruciating. He travelled by slow stages, and arrived at Albany, in February, 1815, and finally recovered. As soon as the service permitted, Generals Dearborn, Bissel, and Major Porter, were appointed a court of inquiry, and witnesses summoned, according to General Ripley's request. General Brown used every exertion to prevent the sitting of the court, but General Ripley persisted in his request. However, to save the reputation of General Brown in public opinion, an order from the Secretary at War, by direction of the President of the United States, was received in March, dissolving the court, and, as a *salvo* for Ripley's wounded feelings, a Major-General's commission by brevet, was awarded him, bearing date the 25th of July, preceding the day on which the battle of Niagara was fought. Peace was shortly after announced, which caused a reduction in the army. The General had not occasion to say entirely, that republics are ungrateful, whatever may have been the disposition of the cabinet towards him, in awarding to *others* undeserved honours. The legislature of Georgia passed him a vote of thanks—that of New-York, a vote of thanks, and a sword; and the congress of the United States, a vote of thanks, and a gold medal, as a recognition of his valuable services. On the reduction of the army, the voice of the public in his favour was such, that he was continued on the peace establishment; though

some others, who had spent their lives in their country's service, through intrigue and cabal, were thrown into the vale of obscurity and private life.

WILLIAM BAINBRIDGE.

WILLIAM BAINBRIDGE, son of Dr. Absalom Bainbridge, a respectable physician of Princeton, New Jersey, was born at that place, on the seventh of May, 1774. While yet a child, his parents removed to New York, and he was left under the care of his grandfather, John Taylor, Esq., of Monmouth county, where he received his education, which, as he was originally destined to mercantile pursuits, was confined to the ordinary branches of English instruction, and the rudiments of the French language. At sixteen, he was placed in a counting house at New York, but was soon removed by his grandfather to Philadelphia, and placed as an apprentice to the sea service, in the employ of Messrs. Miller and Murray, merchants, whom he was to serve for a certain time without indentures and free of expense. In their employ, he made many voyages, and soon rose to command. At eighteen years of age, while mate of the ship *Hope*, on her way to Holland, the crew, taking advantage of a violent gale of wind, rose against the officers, seized the captain, and had nearly succeeded in throwing him overboard, when young Bainbridge, hearing the alarm, ran on deck with an old pistol without a lock, and being assisted by an apprentice boy and an Irish sailor, who was attached to him from being an old shipmate, rescued the captain, seized the ringleaders, and quelled the mutiny. So satisfied were his employers with this, as well as his general conduct, that before his term of service had expired, he received the command of a ship in the Dutch trade, when only nineteen years of age. From this time 1793, till the year 1798, he commanded

merchant ships in the trade from Philadelphia to Europe. In one of these voyages, in the year 1796, on his way from Bordeaux to St. Thomas, in the small ship *Hope*, with four small carriage guns and nine men, he had an engagement with a British schooner of eight guns and thirty-five men, commanded by a sailing master in the navy, and after a smart action, compelled her to strike her colours. As, however, the two countries were at peace, and he of course was acting only on the defensive, he could not take possession of her; but sent her off contemptuously to make a report of her action. The *Hope* lost no men, but the enemy had many killed and wounded.

In July, 1798, while preparing to sail for Spain, he received unexpectedly, and without any application on his part, an offer of the command of the United States' schooner *Retaliation*, of fourteen guns, to be employed against France, against which power the United States had recently commenced hostilities. He accepted the appointment, on condition that he should have a commission as Lieutenant and commander in the navy, and be placed first of that grade on the list of promotion. Having received this, he sailed in the *Retaliation*, and after cruising during the summer along the coast of the United States, accompanied the squadron under Commodore Murray on a cruise in the West Indies. While cruising to the windward of Guadaloupe, the *Retaliation* was captured, in November, by two French frigates and a lugger, and taken into that island, where she remained three months. On board the frigate which captured her, was General Desfourneaux, on his way to Guadaloupe, to supersede Victor Hughes in the command of the island. This officer, desirous, as it would appear from his conduct, of seeming to be the friend of the United States, proposed to Lieutenant Bainbridge to resume the command of his vessel, and return to the United States. This offer was accompanied by assurance of the respect and regard in which he held the American people. His conduct, however, rendered these plausible appearances but too suspicious. Whilst affecting an ostentatious generosity in giving up the *Retaliation*, other American ships, of far more value, were re-

tained, and his assurances of respect were contradicted by the harsh and rigorous treatment of many Americans, whom he refused to regard as prisoners, but who were confined and treated with as much severity as criminals. Lieutenant Bainbridge replied, that he knew of no other light in which he could be regarded, than either as a prisoner or as entirely free—that if General Desfourneaux returned him his ship and his commission, that commission required him to cruise against the commerce of France, an injunction which he dared not disobey. On the other hand, if he were a prisoner, the proper course would be to make his ship a cartel, and send her home in that way. He remonstrated at the same time with great firmness against the treatment which his countrymen were daily receiving. General Desfourneaux insisted on his resuming his command, threatened him with imprisonment if he refused, and declared that if, on receiving the Retaliation, he should cruise against the French, every American would be put to the sword. Lieutenant Bainbridge replied, that no threats should induce him to act unworthy of his character as an American officer; till at last, finding that he was not to be won over to this plan of dissembled friendship, General Desfourneaux gave him a declaration, that he had been obliged by force to resume the command of his vessel, with her crew reduced to forty men; and with this justification for his government, Lieutenant Bainbridge sailed, in company with two flags of truce, for the United States.

He reached home in February, 1799, and his exchange being soon effected, he received a commission of Master Commandant, and sailed in the brig Norfolk, of eighteen guns, on a second cruise to the West Indies. Here he remained, convoying the trade of the United States, for some months, during which time he captured a French privateer, ran ashore another of sixteen guns, destroyed a number of barges, besides taking several of the enemy's merchant vessels. On his return to the United States in August of the same year, he found that, during his absence, five lieutenants had been promoted over him to the rank of captain. As his conduct had uniformly received the

approbation of the government, and as none of those who were promoted had had any opportunity of distinguishing themselves particularly, he remonstrated of course against such a violation of his rights. He received, however, no other satisfaction, than a promise that no such appointment should take place for the future. Were it not for this irregularity, he would now have ranked as second captain in the navy. Although mortified and disappointed, his attachment to the service induced him still to remain in it; and he again sailed with a squadron of four brigs and a ship, destined to protect the trade of the United States to Cuba; a service which he performed so much to the satisfaction of all who were interested in it, that on leaving the station in April, 1800, an address was presented to him from the American merchants and others concerned in the United States' trade, expressive of their regret at his approaching absence, and their testimony "of the vigilance, perseverance, and urbanity which had marked his conduct, during his arduous command on this station," and the "essential services which he had rendered to his country."

When he returned to the United States, he received a captain's commission, and was appointed to the command of the frigate *George Washington*, in which he shortly afterwards sailed for Algiers, with the presents which the United States were by treaty bound to make to that Regency. He arrived in safety at Algiers on the seventeenth of September, 1800, and proceeded to land the presents, which were well received, and every attention paid to Captain Bainbridge, to whom the Dey presented an elegant Turkish sword. In a few days, however, these friendly appearances vanished, and the Dey made a most unexpected and extraordinary demand, that the *George Washington* should carry his ambassador with presents to the Grand Seignior at Constantinople. This demand was made under pretence of one of the stipulations in our treaty with Algiers, by which it is declared that, "should the Dey want to freight any American vessel that may be in the Regency or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations, he expects to have the preference given him, on his paying

the same freight offered by any other nation." Against this requisition Captain Bainbridge, and the American Consul, Mr. O'Brien, remonstrated warmly and strenuously. It was evident, they said, that this stipulation could apply only to merchant ships, not to national vessels, charged by their own government with specific employments;—that Captain Bainbridge had received positive instructions for his voyage, from which he dared not and would not deviate;—and that there were other ships in the harbour which would answer the purpose equally well. The Dey, however, persisted in his demand; and left Captain Bainbridge only a choice of great difficulties and embarrassments. On the one hand, an Ambassador, with a retinue of two hundred Turks as passengers, and presents to the amount of five or six hundred thousand dollars, were to be forced on board the frigate, and carried to Constantinople at the entire risk of the United States. If in the new and dangerous navigation to that place accidents happened to the Dey's property, the United States would be held responsible to indemnify him; if any cruisers of the Portuguese, Neapolitians, or other powers at war with Algiers, should meet the *George Washington*, and capture her, still the United States would be bound to reimburse the loss; and the American vessels in the Mediterranean would be instantly seized by the Algerines as a security for it. Should he be more fortunate, and beat off these enemies, they might consider this cover of Algerine property as a violation of neutrality, and think themselves justified in retaliating on the defenceless commerce of the United States in the Mediterranean. Besides which, he would deviate from his orders, by undertaking for six months, a voyage not sanctioned by his government. On the other hand, a refusal to comply would occasion the detention of the frigate, which was now in the power of the Dey, and be followed by an immediate declaration of war against the United States, for this alleged breach of the treaty, and a seizure of all American vessels in the Mediterranean. In this situation, Captain Bainbridge opposed the Dey as long and as vigorously as possible. The Dey promised, that if a Swedish frigate, which was then expect-

ed, arrived, he would take her in place of the *George Washington*. But she did not come. A British twenty-four gun ship arrived, and offered to carry the presents. This, however, the Dey refused, because he would not be under obligations to England; and at last, exasperated by opposition, he sent for Captain Bainbridge and the Consul, and peremptorily demanded that the frigate should go to Constantinople, threatening, in case of refusal, to make slaves of all the Americans in Algiers, to detain the frigate, and send out his cruisers against the defenceless trade of the United States. The liberty of his countrymen, and the safety of the American commerce, decided Captain Bainbridge at last to smother his indignation at this unpleasant and humiliating service, and he consented to receive the Algerine ambassador.

Another difference arose about the flag: Captain Bainbridge declared that the frigate should carry her own colours; but the Dey insisted that the flag of Algiers should be worn during the voyage. It was vain to resist, however mortifying to obey.

They sailed from Algiers on the nineteenth of October. The winds were unfavourable, the weather bad, and the society of the Turks not calculated to console the officers for these inconveniences; but they submitted with as good a grace as possible to a humiliation which they deemed necessary for their country's service. The frigate anchored at the lower end of Constantinople in twenty-three days from her departure, and the next morning, the twelfth of November, the American flag was hoisted at the mizen, the Algerine at the main. Soon afterwards, three officers, in succession, were sent on board by the Grand Seignior, to inquire what ship that was, and what colours she had hoisted. They were told it was an American frigate and an American flag. They said they did not know any such country. Captain Bainbridge then explained that America was the New World—by which name they had some idea of the country. After these inquiries, the frigate came into harbour, saluted the Grand Seignior's palace with twenty-one guns, and proceeded to unload the Algerine cargo. The ambassador was not permitted to have

his audience before the arrival of the Capudan Pacha, or High Admiral from Egypt, and it was necessary for the frigate to wait the result. Captain Bainbridge endeavoured to employ the interval in giving to the Turkish government a favourable impression of a country, of which his ship and crew were the only specimens they had ever an opportunity of seeing. At this time an embassy to Constantinople was projected, and William L. Smith, Esq. then minister of the United States in Portugal, was designated as the American Ambassador. It was therefore desirable that his arrival should be preceded by as advantageous an opinion as possible of his country. How well Captain Bainbridge succeeded in making these impressions, we may learn from the following unsuspicious testimony of a distinguished traveller, Mr. Clarke, who was then at Constantinople, and with whom Captain Bainbridge contracted a friendly intimacy.

“The arrival of an American frigate for the first time, at Constantinople, caused considerable sensation, not only among the Turks, but also throughout the whole diplomatic corps stationed in Pera. This ship, commanded by Captain Bainbridge, came from Algiers, with a letter and presents from the Dey to the Sultan and Capudan Pacha. The presents consisted of tigers and other animals, sent with a view to conciliate the Turkish government, whom the Dey had offended. When she came to an anchor, and a message went to the Porte that an American frigate was in the harbour, the Turks were altogether unable to comprehend where the country was situated whose flag they had to salute. A great deal of time was therefore lost in settling this important point, and in considering how to receive the stranger. In the mean time, we went on board to visit the Captain; and were sitting with him in his cabin, when a messenger came from the Turkish government to ask whether America was not otherwise called the new world; and, being answered in the affirmative, assured the Captain that he was welcome, and would be treated with the utmost cordiality and respect. The messenger from the Dey was then ordered on board the Capudan Pacha's ship; who, receiving the

letter from their sovereign with great rage, first spat, and then stamped on it ; telling him to go back to their master, and inform him that he would be served after the same manner, whenever the Turkish Admiral met him. Captain Bainbridge was, however, received with every mark of attention, and rewarded with a shawl and a fur cloak ; together worth about four hundred dollars, as presents. The fine order of his ship, and the healthy state of her crew, became topics of general conversation in Pera ; and the different ministers strove who should receive him in their palaces. We accompanied him in his long boat to the Black Sea, as he was desirous of hoisting there, for the first time, the American flag ; and on his return, were amused by a very singular entertainment at his table during dinner. On the four corners were as many decanters, containing fresh water from as many quarters of the globe. The natives of Europe, Asia, Africa, and America, sat down together, to the same table, and were regaled with flesh, fruit, bread, and other viands ; while of every article, a sample from each quarter of the globe was presented at the same time. The means of accomplishing this are easily explained, by his having touched at Algiers, in his passage from America, and being at anchor so near the shores both of Europe and Asia."

On the arrival of the Capudan Pacha, the Algerine Ambassador was denied an audience, and both his letters and presents refused, on account of the many depredations committed by Algiers on the commerce of Austria and other nations friendly to the Porte, and also for having made peace with France, without consulting the Grand Seignior. The Ambassador and his suite were not suffered to leave their houses, the Dey of Algiers was ordered to declare war against France, and sixty days allowed to receive in Constantinople the account of his compliance, on pain of immediate war.

Captain Bainbridge was, however, received by the Capudan Pacha with distinguished politeness. He took the frigate under his immediate protection ; requested Captain Bainbridge to haul down the Algerine flag and carry the American ; and being fond of ship-building and

naval affairs, conceived from the seaman-like conduct of the officers, and the state of the frigate, a high idea of the American marine character. These attentions were peculiarly grateful, as this officer was related by marriage to the Grand Seignior, and supposed to possess great influence in public affairs. He afterwards addressed a friendly letter to Mr. Smith, the expected Ambassador, and the two countries might have formed a commercial treaty under very favourable auspices; but the mission to Constantinople was afterwards discountenanced by our government. The different diplomatic characters at Constantinople paid to Captain Bainbridge very marked civilities—more particularly Lord Elgin, the British, and Baron de Hubsch, the Danish Ambassador. Every thing being at length arranged, the George Washington sailed from Constantinople in December, carrying the Turkish Ambassador's secretary back to Algiers, with an account of the unfavourable result of his embassy.

This voyage to Constantinople, though irksome to the officers, was ultimately the means of acquiring much honour to the United States, and might have been rendered highly serviceable. Fortunately for us, the George Washington arrived suddenly before Constantinople, which no Christian vessel was permitted to do—the laws of the Porte requiring that all foreign vessels should wait one hundred and twenty miles below the city, in order to obtain leave to come up; and as the American flag and nation were then unknown, and the ministers of foreign powers would of course have been unwilling to see a young, adventurous people, admitted to share the advantages of a trade which they were enjoying exclusively, the probability is that the frigate never would have reached Constantinople. Arriving, however, as she did, a fine ship, with an excellent crew, in the best discipline, she gave the Turks a high idea of the naval character of the United States—a character which they have since seen us sustain with so much glory in the war with Tripoli. After landing some Turks at Malta, as a favour to the Capudan Pacha, Captain Bainbridge arrived off Algiers on the twenty-first of January. Warned by his past misfortune,

he did not venture his frigate within reach of the fort, but sent the Ambassador's secretary on shore in a boat, although the Dey desired that he would come into port to discharge some guns, belonging to Algiers, which he had taken in there, as ballast, for the voyage to Constantinople. The Dey, however, insisted, and Captain Bainbridge, fearful of the consequences to the unprotected commerce of the United States, again ventured within the Dey's power, delivered the old guns, and took other ballast. The tyrant was now so effectually humbled by the orders of the Grand Seignior, that he instantly released four hundred prisoners, who had been taken with British and Austrian passports, and declared war against France. Finding too that Captain Bainbridge was on friendly terms with the Capudan Pacha, his menaces softened into great mildness. After having been thus instrumental in the release of so many prisoners, Captain Bainbridge was now enabled to serve the interests of humanity in another way. On the declaration of war with France, the Consul, and all the French subjects, then in Algiers, were ordered to leave the country in forty-eight hours, and as their longer stay would have exposed them to captivity, they were all taken on board the *George Washington*.

He sailed from Algiers about the last of January, and after landing the French passengers at Alicant, arrived at Philadelphia in April, 1801, and received the marked approbation of the government for his conduct, during this long, unpleasant, and delicate service. Before his return, the cessation of hostilities with France, had caused a reduction of the navy, and the retained were only nine Captains, of whom he had the satisfaction of finding himself one. In the following June, he received the command of the frigate *Essex*. About this time, the regency of Tripoli, emboldened by the success of the Algerines, commenced hostilities against the United States; to oppose which, a squadron of frigates, among which was the *Essex*, was sent to the Mediterranean. Here he continued for thirteen or fourteen months, engaged in convoying American ships and other neutrals in the Mediterranean, and cruising against the Tripolitan ships of war, with none of

which, however, he had the good fortune to engage. He returned to New York in July, 1802, and remained on shore for about nine months, engaged in superintending the building of the United States' brigs Syren and Vixen.

In May, 1803, he was appointed to command the Philadelphia, a frigate built by the merchants of Philadelphia, and presented to the government of the United States. He sailed in her from the port of Philadelphia, in July, 1803, for the Mediterranean, to join the squadron then under Commodore Preble. On reaching Gibraltar, he heard of two Tripolitan cruisers off Cape de Gatt, and immediately shaped his course after them. On the 26th of August, he discovered a ship with a brig in company, both under a foresail only. As it was night, the wind blowing very fresh, and the ship's guns housed, it was not till the Philadelphia hailed her, that she proved to be a vessel of war, from the coast of Barbary. On ordering her boat on board with the ship's passports, she was found to be the Mazouda, a cruiser of twenty-two guns, and one hundred and ten men, from Morocco, and by concealing from the Moorish officer who came on board, the nation to which the Essex belonged, he was led to mention that the brig was an American going to Spain, whom they had boarded, but not detained. The low sail under which the brig was, however, exciting some suspicion, Captain Bainbridge sent his first lieutenant, to examine if the ship had any American prisoners; but he was prevented by the Captain of the ship. A boat well manned and armed was sent to enforce a compliance, and they found on board, the American Captain of the brig, who, with his crew, were all confined below, the brig having been captured by the Moorish cruiser nine days before. After this act of hostility, Captain Bainbridge had no hesitation in making prize of the ship, which was immediately manned from the Philadelphia, and the two ships proceeded to cruise for the brig, which had made off during this examination. It was after a search among a fleet of vessels, all the next day, that she was discovered, pursued, and taken, and both vessels carried into Gibraltar.

On board the Mazouda, were cruising orders from the

governor of Tangier, which proved the hostile disposition of the Emperor of Morocco, who was about letting loose his forces against the American commerce. The capture of one of his finest ships, at the commencement of his scheme, convinced him of the folly of it, and afforded Commodore Preble, on his arrival at Gibraltar, the means of bringing the Emperor to a speedy and permanent peace with the United States.

While he was detained by this negotiation, Captain Bainbridge, in company with the *Vixen*, Captain Smith, had proceeded to blockade the harbour of Tripoli. Here he soon received information, that a Tripolitan cruiser had escaped from the port, and he despatched the *Vixen* to cruise off Cape Bon in quest of her. After her departure, the *Philadelphia* was driven from her cruising ground for several days, by the prevalence of strong westerly gales; but the wind having changed to the eastward, she was returning to her station, when, on the thirty-first of October, not many leagues to the east of the town, at about nine o'clock in the morning, a strange ship was seen in shore, to which chase was immediately given. The chase kept as close in shore as she dared, and ran for the harbour of Tripoli. The *Philadelphia* continued to chase along the land, not venturing into shoaler water than seven fathoms, and keeping up a constant fire; but finding she could not cut the chase off from the harbour, gave up the pursuit, and hauled her wind to the northward, which was directly off from the land; when, about half after eleven o'clock, as she was going at the rate of six or seven knots, she ran on rocks about four miles and a half from the town. These rocks are a continuation of a reef, which, directly opposite the town are above water, and extend a long distance to the eastward. They were not laid down in any charts on board, nor had they been discovered by our public ships, which had before cruised on this coast; nor, although three leads were kept heaving, were they perceived till she struck. Great exertions were instantly made to float the ship. A part of the guns were thrown overboard; the anchors cut away from the bows; the water started; the foremast cut away; but all to no

purpose. As soon as she had grounded, the gun-boats came out to attack her. They took a position on her quarters; but her stern-chasers compelled them to change their station; and while the ship continued upright, with the few guns that could be brought to bear she could keep the enemy at a distance; but she soon lay over so much on one side, that she could not use her guns. At length, after she had sustained the enemy's fire for between five or six hours, and seeing no chance of getting the ship off, a council of war was called of all the officers, who gave a unanimous opinion, that, as it was impossible to defend themselves, or to annoy the enemy, any farther show of resistance would only expose the lives of the crew, and that the painful alternative of surrender was all that remained for them. The magazine was therefore drowned; the arms and every article of value thrown overboard; the ship scuttled; the pumps choked and the colours were then hauled down at five o'clock. One of the boats was sent to acquaint the enemy that the ship would make no farther resistance. "On approaching the enemy," says one of the officers employed on this occasion, "we were hailed by almost every one, and each ordered us along side of his boat. One, however, fired a shot, which struck near us, and presuming him to be the Commodore, we rowed towards him, when one of the near gun-boats, perceiving we were not coming to him, manned his boat and came after us. About fifteen men were in this boat, all armed with pistols, with sabres, and a long musket suspended over their backs. They were a ferocious and savage set. They sprung into our boat, and immediately two seized Lieutenant Porter, and two others seized me. My coat was soon off, my vest unbuttoned, and my cravat torn from my neck. I thought, for my own part, I should not have time to count my beads; but we soon perceived, that their violence was only with the view of getting from us whatever money or valuables we might have concealed about our persons. We now proceeded towards the shore, the gun-boat men continuing in our boat. It was just dark when we approached the beach, which was covered with people, armed, and shouting most hideously, and landed

amidst the shouts of the populace, by whom we were pushed about rudely. We were conducted to the gate of the Pacha's castle, followed by the crowd. Here we were detained some minutes, his highness not being ready to receive us. We were, however, at length ushered into his presence. We now felt ourselves safe. The Pacha was seated in state, with his ministers and principal officers about him, and surrounded by a numerous guard. We were desired to be seated, while the boat's crew stood at some distance back. A variety of questions were put to us; how many men were in the Philadelphia; how many guns had she? were any of the guns of brass? how much powder was there? was there any money in the ship? where was Commodore Morris? where was the schooner Enterprize? and other similar questions. Three glasses of sherbet were brought, one for each, of which we drank."

The same scene of plunder was renewed when the Tripolitan came on board. They took from Captain Bainbridge his watch and epauletts, and the cravat from his neck; but with much struggling and difficulty he saved the miniature of his wife. When he was brought into the castle, the same set of questions was repeated by the Pacha, who observed, among other things, that the fortune of war had placed Captain Bainbridge in his present situation. They were then sent to another apartment, where a supper was provided for the officers; after which they were brought in a body before the Pacha, who gratified himself by taking a view of them collectively. The complacency with which he surveyed them, his cheerful and animated countenance, sufficiently denoted his satisfaction at seeing them. His reception of them, however, made favourable impressions of his character. He presented them to his Minister of Foreign Affairs, Sudi Muhamed Dghies, who was to have charge of them, and who, the Bashaw observed, would take good care of them. This indeed they found to be strictly true; for they were now conducted to the house of the late American Consul, and, although it was by this time one o'clock in the morning, the Minister sent for the Danish Consul, Mr. Nissen,

whom he introduced to Captain Bainbridge as his particular friend, and one who would render the officers every service in his power. This estimable man immediately brought refreshments, and all the bedding which he could collect at that hour; and about two o'clock the officers lay down to sleep, as well as their new and terrible misfortune would permit them. The next day the Minister of Foreign Affairs requested Captain Bainbridge and his officers, to give their parole, in order that he might, in turn, pledge his word to the Pacha for their safety. This was complied with. The officers also presented a unanimous address to the Captain, in which they stated their belief, that the charts and soundings justified as near an approach to the shore as they had made; and declaring, that on this as on every other occasion, his conduct had always been correct and honourable. Soothed by this proof of confidence and attachment, Captain Bainbridge endeavoured to render the situation of his officers and crew as comfortable as possible. The Consular house was commodious, and though not large enough for the accommodation of so many persons, was at least airy, and the atmosphere they breathed was pure. About a fortnight after this, however, the Pacha's Minister acquainted Captain Bainbridge, that letters had been received from the Tripolitans who had been taken by Captain Rodgers, in the John Adams, complaining of being ill-treated by him, and Captain Bainbridge was requested to sign an order upon Commodore Preble, to give up these Tripolitan prisoners, with a declaration, that if he refused, the ill-treatment shown to the Tripolitan prisoners should be retaliated upon the officers of the Philadelphia. Captain Bainbridge peremptorily refused to sign this order, and accordingly, by way of punishment, they were conducted by the slave driver to the prison, where the crew were confined at work. Here they remained one day, when the Tripolitan government, finding Captain Bainbridge's firmness not to be shaken, they were reconducted in the evening to the Consular house, and an apology received from the Minister for the indignity they had suffered. Here they continued, and were permitted occasionally to

walk out to the country in small parties, accompanied by a guard.

On the sixteenth of February, 1804, the Philadelphia was burnt by Decatur. This mortified the Pacha exceedingly ; though he affected to consider it as the fortune of war. Some of the bodies of persons who were known to have been on board the Philadelphia, floated ashore, from which the Pacha pretended to believe that Decatur, after getting clear of the harbour, had, in cold blood, killed the prisoners. This was the pretext for increasing the severity of their confinement. Accordingly, they were removed to apartments in the Pacha's castle, exceedingly small, and but ill adapted to accommodate so many. They were without windows, and all the light, as well as fresh air, was admitted through a small opening at the top, grated over with iron railing. The door was constantly bolted and watched by a strong guard, as was also the top of the prison. The atmosphere they breathed, while thus closely confined, soon became unhealthy, and Captain Bainbridge repeatedly represented to the minister, that they could not exist so crowded together and with such confined air. After much delay, and when the warm weather came on, and they were all becoming sick, these accommodations were enlarged by the addition of other rooms. Still they were much crowded, and they could not have sustained such confinement, but that the climate of Tripoli is the mildest and most delightful in the world. While in this confinement, they were sometimes, when none of the American cruisers were off, permitted to walk into the country ; but there was one period of nearly eight months, that they were not allowed this indulgence, and these eight months included one whole summer, a season when the weather was warm, and consequently they most needed exercise and fresh air. They continued in this confinement until the peace of June, 1805.

The conduct of the Pacha and his officers was, however, far more mild than they had been led to anticipate, and even this rigorous confinement was imposed, not so much with a view to make them suffer, as because the Pacha thought it the only mode by which he could secure

them. He was very apprehensive on this point. The Danish Consul endeavoured to explain to the Tripolitan government the nature of a parole among Europeans ; and assured the government, that by prevailing on them to pledge their honour, they would make no attempt to escape, and would be more safe than by all his guards, his bolts and his bars ; but this the Pacha could not understand, and he could not be made to believe that any prisoner who had the chance to escape, would be deterred from doing so merely because he had passed his word. It was debated in the Divan, whether it would not be advisable to put the officers to hard labour, under the idea that Commodore Preble, as soon as he heard of it, would, on their account, be more solicitous for peace. But it was justly concluded, that it would have a contrary tendency ; that it would irritate and exasperate their countrymen, and induce a more vigorous prosecution of the war. The project was therefore abandoned.

When the news was received that General Eaton had taken Derne, and in conjunction with the dethroned Pacha, was advancing towards Tripoli, Eaton's force was greatly exaggerated, and the Pacha became alarmed. He sent word to Captain Bainbridge, that heretofore he considered the war as one of interest only ; that the United States prosecuted it in order to get away their countrymen for as small a sum of money as possible, and that he continued it to get as much as possible for his prisoners ; but that now the Americans had made common cause with his exiled brother, and that consequently, he must succeed against Eaton or lose his kingdom ; that he had the means of injuring the feelings of the American people in a most delicate point, (meaning by putting the prisoners to death,) and that in a case of extremity he should enforce these means. The Pacha thought to alarm Captain Bainbridge, and induce him to write to the Commodore or to Eaton. Captain Bainbridge, however, replied, that he and his officers were in the power of the Pacha, and that he might do with them as he pleased ; that the United States had many officers and seamen, and that consequently they should be little loss to their country. This spirited reply

saved him from any more such messages. It is impossible to say whether the Pacha would or would not have gone to this extremity. He is a man of strong passions, and ambitious; and had he been driven from his kingdom, he might have been urged to this violence; as it cannot be supposed, that he should entertain the same sentiments of abhorrence at the atrocity of sacrificing his prisoners, as would be felt by an European. A place in the interior had certainly been fixed on as a place of security for them, in case it became necessary to remove them from the capital.

While thus confined, without exercise or change of scene, their time, it may be easily imagined, passed heavily. But their youth, and the hardy frame of mind, created by their profession, were qualified to resist for a long time, the depressing effects of misfortune. After the short interval of unavailing regret had passed, they collected their spirits and resources, and endeavoured to derive amusement and occupation from every quarter.

When they were taken, they lost all their clothes. The officers of the *Vixen*, as soon as they heard of this circumstance, sent a part of their clothes, which came very seasonably. Soon after, some of their own were brought to the prison, for sale, and each officer, having thus an opportunity of purchasing some of his former wardrobe, they had a sufficient supply. Some of their books were also taken to them to be sold, and were purchased from the Tripolitans, to whom they were entirely useless, at a price generally much below their value.

These furnished the means of constant employment, as the officers were enabled to pursue the studies to which they were attached, and the prison became a sort of academy, in which navigation, the French language, and other instructive studies were cultivated. Occasionally, too, they found some relief against ennui in theatrical performances. Among the books purchased was an odd volume of plays, containing the *Castle Spectre*, the *Heir at Law*, the *Stranger*, and *Secrets Worth Knowing*. These were successively *got up* and performed. This resource was husbanded very carefully. Thus they were busily

occupied for some time in preparing the scenery, then the dresses, then in rehearsing, and finally, after great exertions for three or four weeks, the theatre was opened. The scenery was painted in such colours as could be procured; the gayer dresses of the ladies were formed of sheets, while black silk handkerchiefs sewed together furnished suits of wo; and leaves and paper completed the materials of the female toilet. After this, criticisms upon the performance and dresses of the several actors and actresses, kept them alive, and sometimes cheerful for a fortnight; and now again they began to prepare for another play.

Another great resource was, that sometimes they received letters from their friends in America. This indeed was rare; but it always had a most lively and permanent effect on them. Their greatest comfort, however, certainly was, that they were all kept together. Had they been separated, and deprived of the support of each others' society, they could not have survived so long a captivity.

Among their comforts, too, the active and friendly humanity of Mr. Nissen, the Danish Consul, must not be forgotten—a gentleman whose generous, manly, and honourable conduct should be connected with every mention of the Tripolitan war. While the other agents of foreign countries, the French, English and Spanish Consuls, kept aloof from some paltry consideration of timidity, or commercial jealousy, or wrote to the captives a cold and formal and complimentary and unmeaning offer of service, Mr. Nissen came forward at once, and from the first to the last hour of their captivity, was a constant, unremitting, anxious, and affectionate friend. Money, clothes, books, every thing which could contribute to render the situation of the captives less irksome, was lavished by the friendly zeal of Mr. Nissen. When the period of their captivity was about expiring, they addressed him a letter of thanks for his disinterested friendship, and as soon as they were released, presented to him an urn, as a lasting monument of his benevolence and their gratitude.

Besides other modes of occupying their time, their minds were frequently excited by hopes and efforts to escape. An attempt was made in the latter end of April, 1804, to

undermine the castle and escape under the wall. They commenced digging in the room of the warrant officers ; but after working four days, they reached, at the depth of twenty-five feet, a loose sand and water, and found that the foundation of the castle was built on made ground, of so loose a texture, that it was impracticable to undermine it horizontally the requisite distance, which was one hundred and fifty yards, without boards to prop it and prevent its falling in ; and as they had none of these, they were obliged to look to some other means of escape. In the following May they adopted another scheme. One of the inner walls of the prison communicated with a subterraneous passage which they hoped would lead to the outward wall of the castle, and by perforating this, they expected to find a passage into the town. Accordingly they began to take out one by one the stones of this wall, which were carefully replaced to avoid suspicion. For this labour they had nothing but their case-knives, a dull axe, and an iron bolt ; but they at last found the way into a long, dark, subterraneous passage, which they followed for some time, till their progress was stopped by another wall. This they perforated ; but to their surprise and mortification, they found a space of made earth, or terrace, on which the top of the castle rested. They were not, however, disheartened, but began to excavate a space large enough for a man to crawl in on his hands and knees, carefully removing the earth to a distance, and scattering it through the subterranean passage ; but they had not made much progress, before the movements of the soldiers and the great weight on the top of the terrace made it cave in, and destroyed the whole enterprise. Fortunately, the suspicions of the guard were not excited, and the plan remained undiscovered.

Another and bolder attempt had no better success. It was intended to reach, by a difficult and dangerous way, to the window at the top of the prison, through which they were to climb the terrace, and taking advantage of some moment when the guards were asleep or inattentive, cross the terrace, a distance of fifty or sixty yards, to the parapet of the wall. In one of the embrasures of this they

were to make fast a rope, formed of all the sheets tied together, and descend the height of ninety feet to the beach. The first who should go down were to swim to a Spanish vessel about half a mile off, cut her boat adrift, and bring it ashore, and the whole party were then to embark and endeavour to gain the American squadron.

This plan was confined to Captain Bainbridge and a few of the original projectors of it. On the eve of its execution, Captain Bainbridge wrote to the Tripolitan minister, to inform him, that as no regard had been paid to their parole, he deemed himself justified in attempting to regain his liberty, and recommending the officers who should be left behind to his particular care and attention. To those officers he addressed a note, stating, that as all could not make the attempt, it was necessarily confined to its projectors; that the escape of himself and so many officers would enable them to render the greatest services to those who remained, and hasten the period of their liberation, by lessening the sum to be demanded by the Tripolitans. When these arrangements were concluded, the party reached the window, but it blew so violent a gale of wind, that they were obliged to postpone the project; and Captain Bainbridge, finding that his departure excited uneasiness in the minds of some of the officers, abandoned the expedition, and determined to share their fate. The attempt was then made by three lieutenants and as many midshipmen. At midnight, on the twenty-first day of May, they reached the terrace, and remained there for nearly two hours, endeavouring to seek a moment to cross the parapet; but the terrace was covered with guards, and they found no opportunity of getting off. The failure of this scheme put an end to all plans of escape, and they patiently waited their liberation from the hands of their countrymen.

During the bombardment of the town, they were the melancholy and inactive witnesses of the efforts of their countrymen. The burning of the Philadelphia, the explosion of the fire-ship, commanded by Captain Somers, and the various attacks made on the town, all passed before their eyes. Sometimes too they were exposed from

their situation to great danger. On one occasion, a twenty-four pound shot came into Captain Bainbridge's bedroom, and passed within six inches of his head.

While the officers were confined, the men were kept at work during the day, and locked up at night. The work, however, which was required of them was always light, and nothing more than wholesome exercise. It was scarcely as severe as the ordinary duty which is exacted from them on board a ship. The Tripolitans are, generally speaking, and excepting the people employed in the gun-boats, of a mild, humane character. The prisoners were often obstinate, uncomplying, and mischievous; yet the Tripolitans who had charge of them were rarely provoked to punish them. They used often to say, that the Americans were the most difficult to manage of any people they had ever seen. Several of the crew turned Mahometans, and thus gained their freedom; but the rest remained faithful to their country and their religion.

It would be unjust not to record an instance of the generosity of these seamen. Among the drivers who superintended them while at work was a Neapolitan, also a captive, who had often relented into pity for them, and done them acts of kindness. Touched by this treatment, the crew, as they were about to leave Tripoli, made a subscription out of their wages of between three and four hundred dollars, with which they purchased the liberty of the Neapolitan, who was thus restored at the same time with themselves to freedom and his country.

At last Colonel Lear appeared off the harbour to negotiate a peace with Tripoli. The first overtures were embarrassed by the employment of the Spanish Consul, who was at length put aside, and Captain Bainbridge proposed, as the shortest mode of pacification, that he should be permitted to visit the squadron. This request was so new in Barbary, that the officers of the Philadelphia were obliged to give a written declaration, that in case he did not return they would submit to any punishment the Pacha might inflict. Under this guarantee, he had an interview with the American officers, and a treaty was at last concluded between the two countries; by which the

American and Tripolitan prisoners were exchanged, and the sum of sixty thousand dollars given to the Pacha. On the third of June, 1805, the officers were liberated, after a confinement of nineteen months and three days; and on the fourth they, as well as the crew, embarked on board the squadron, and soon after sailed for America.

Captain Bainbridge reached the United States in the autumn of 1805, and the reception which he met from his country was such as to satisfy completely the feelings of a meritorious, but unfortunate officer. He was received rather as a returning conqueror than as a vanquished prisoner—a most unequivocal proof of public confidence, since that merit must indeed be sterling which could stand the test of such misfortunes. Nor were the opinions of his brother officers less honourable and liberal. At his request a court of inquiry had been held on the loss of the frigate, and the judgment of the court was, that it “was decidedly of opinion that Captain Bainbridge acted with fortitude and good conduct in the loss of the United States’ frigate Philadelphia; and that no degree of censure should attach itself to him from that event.”

Early in 1806, he was ordered to take the command of the naval station at New-York; but soon after, obtained a furlough to perform a voyage in the merchant service; which, from the reduced state of his funds had become necessary to make some provision for his family. He returned in 1807, and was employed in various naval duties, until March, 1808, when he was appointed to the Portland station, which had become vacant by the death of Commodore Preble. In December following, he was called to Washington, to superintend the repairs of the frigate President, which he was appointed to command. Having completed the ship, he sailed in July, 1809, from Washington, and cruised on our coast till the next spring, when he again obtained permission from the navy department to engage in the merchant service.

Having returned from his mercantile pursuits in February, 1812, he was appointed to the command of the navy yard at Charlestown, Massachusetts, and the public vessels on the eastern station.

On the declaration of war against Great Britain, it was submitted by the government to his own inclination, either to retain his post at the navy-yard, or to cruise against the enemy on the ocean. Accustomed to a life of active service, and preferring the hazard of warfare and the chance of victory, to the security of inaction, he did not hesitate to choose the former, and was accordingly appointed to command the frigate *Constellation*; but on the arrival at Boston of Captain Hull, after his victory over the British frigate *Guerriere*, he applied for a furlough to attend to his private concerns, and Commodore Bainbridge was permitted to take command of the *Constitution*. In a few weeks he sailed, in company with the sloop of war *Hornet*, Captain Lawrence, on a cruise to the East-Indies. After parting company with Captain Lawrence, he was running down the coast of Brazil, when on Thursday, the 29th of December, he discovered, about nine in the morning, two sail, one of which was standing off shore towards him. He immediately made sail to meet the strange ship, and finding, as he approached her, that she did not answer his private signals, proceeded out to sea in order to separate her from her companion, and draw her off the neutral coast. About one o'clock, having reached what he considered a proper distance from the shore, he hoisted his ensign and pendant, which was answered by English colours, and perceiving that she was an English frigate, the *Java*, Captain Lambert, he took in the royals, tacked, and stood for the enemy. The *Java* immediately bore down, intending to rake, which the *Constitution* avoided by wearing. The enemy being now within half a mile to windward, and having hauled down his flag, the *Constitution* fired a gun ahead to make him show his colours, and immediately poured into her a whole broadside, on which English colours were hoisted, and the fire returned. On this, the action became general, within grape and canister distance. In a few minutes the wheel of the *Constitution* was shot away; and in about half an hour, Commodore Bainbridge finding that his adversary still kept too far off, determined to close with him at the risk of being raked. He there-

fore luffed up so close to the Java, that in passing, her jib-boom was foul of the Constitution's mizen rigging; and having now gained a nearer position, he poured in so well directed a fire, that in ten minutes he shot away the Java's jib-boom and part of the bowsprit; in five minutes more her foremast went by the board—her maintopmast followed—then the gaff and spanker boom, and lastly, the mizen-mast went nearly by the board. At five minutes past four, one hour and fifty-five minutes from the commencement of the action, the Java's fire was completely silenced, and her colours being down, Commodore Bainbridge supposed that she had struck; he therefore shot ahead to repair his rigging; but while hove to for that purpose, discovered that her colours were still flying, although her mainmast had just gone by the board. He therefore bore down again upon her, and having come close athwart her bows, was on the point of raking her with a broadside, when she hauled down her colours, being a completely unmanageable wreck, entirely dismasted, without a spar of any sort standing. On boarding her, it was found that Captain Lambert had been mortally wounded, and that the Java was so much injured, that it would be impossible to bring her to the United States. All the prisoners and the baggage were therefore brought on board the Constitution, a service which required two days to perform, but a single boat being left between the two frigates. On the 31st she was blown up, and the Constitution put into St. Salvador. The Java carried forty-nine guns, and upwards of four hundred men: she was bound to the East-Indies, and had, in addition to her own crew, upwards of one hundred supernumerary officers and seamen, for different ships on the East-India station—among whom was a master and Commander in the navy, and also Lieutenant-General Hislop and his two aids, of the British army.

Her loss was sixty killed; and among these Captain Lambert. Of the wounded, the accounts varied from one hundred and one (which were ascertained positively) to one hundred and seventy.

On board the Constitution, nine were killed, and

twenty-five wounded; among whom was the Commodore.

This victory was scarcely less honourable to Commodore Bainbridge, than the generosity with which he exercised the rights of a conqueror. While on board, the prisoners were treated with the most respectful attention. Immediately on their landing at St. Salvador, they were set at liberty on parole, and received every article of their baggage: and particularly, a service of plate belonging to General Hislop, was carefully preserved and restored to him. These proofs of honourable courtesy were not lost on the prisoners, who expressed their gratitude in a manner as creditable to themselves as to the victors.

The decayed state of the Constitution, and other circumstances, combining to interfere with the original plan of the cruise, Commodore Bainbridge now left the *Hornet* to blockade a superior British force at St. Salvador, and returned to the United States.

On his arrival at Boston, he was received with an enthusiastic welcome by his countrymen, who felt peculiar pleasure in seeing that fortune had at last relented, and given him an opportunity of adding success to his merit. Fifty thousand dollars prize-money, as a compensation for the loss of the *Java*, were given by congress to the officers and crew, and a gold medal presented to the commodore. These were followed by votes of thanks and testimonials of respect, from several of the state legislatures, and also from various corporate bodies and meetings of the citizens generally.

After his return, he was appointed to command the Eastern station, from Portsmouth to Connecticut, within which limits he had charge of the Constitution and two brigs; and the construction of two sloops of war and a seventy-four.

The arrangement of the differences of the United States with Great Britain did not let him remain long in the inaction of peace. Having superintended the building of the *Independence*, a ship of 74 guns, he had the honour of waving his flag on board the first line of battle ship belonging to the United States, that ever floated. The hos-

tile demeanour of the governments of Barbary, induced the American government, in 1815, to equip two squadrons, one under Decatur, and another under Bainbridge, for the Mediterranean, to use the *lex talionis* of kings, to bring them to a due sense of the estimation in which the people of the United States ought to be held. His squadron consisted of the Independence, 74, flag ship; sloop of war Erie, 18 guns, brig Chippewa, 18 guns; and schooner Lynx. In his voyage to the Mediterranean, he found his ship to exceed his most sanguine expectations, and the alacrity of Commodore Decatur, in bringing the Barbary powers to a peaceful demeanour, left him on his arrival in that sea, no share of the honours he expected to reap from the object of his destination,

He arrived in the harbour of Carthagena, in Spain, on the 5th of August, 1815, and on the 10th of the same month, informed the secretary of the navy, by letter, that peace having taken place with the Regency of Algiers, it only remained for him to obey the secretary's instructions, by showing his squadron off Tunis and Tripoli, leaving one frigate and two smaller vessels in the gut of Gibraltar, and returning to Newport, Rhode Island, with the residue of his squadron, where he expected to arrive sometime in the following September.

According to his instructions, he presented himself before Algiers, and exhibited his force. He then presented himself before Tripoli, where he had the mortification to find that Commodore Decatur had shorn him of his expected laurels, by a previous visit.

After running down the Barbary coast, he arrived in Malaga Roads, on the 13th of September, where he remained some days waiting to form a junction with Commodore Decatur's squadron. As soon as this was effected, he sailed for the United States, and arrived at Newport, Rhode Island, on the 15th of November, 1815, leaving under Captain Shaw, the senior officer, the frigates United States and Constellation, and the sloops of war Ontario and Erie, to enforce a due respect among the Barbary States to the conditions of the late peace.

After the impassioned and spirit-stirring recitals of hair-

breadth scapes, and feats of valour wrought mid scenes of blood and carnage, the morbid sensibilities which these tales have sustained, sinks into listlessness, when succeeded by "the dull pursuits of civil life." So, after long hearing the discordant noises of the bustling city, pressing through crowds, witnessing mobs and riots, and being utterly disgusted with the scenes and scents, the sights and sounds unholy of a crowded population; to many, the sweets of the country, the stillness of the scene, and the peace of society, seem tame and tiresome. Having therefore closed the more active part of the life of this individual, we shall mention its close, which occurred in Philadelphia, during the last summer. He was buried with military honours, and rests in the bosom of his mother earth, where rest both the tyrant and the slave—the monarch and his meanest subject.

No further seek his merits to disclose,
Nor draw his *frailties* from their dark abode.

THOMAS MACDONOUGH

WAS a native of Delaware. Of his early years nothing has been said. At the siege of Tripoli, he held a midshipman's warrant, and served under Commodore Decatur, whose favourable report of his good conduct to Commodore Preble, as one of the heroic volunteers by whom the frigate Philadelphia and Turkish gun-boats were destroyed, induced that officer to promote him. From that period to his appearance on Lake Champlain, nothing in the life of Macdonough is known.

It had become an object of solicitude with the belligerent parties on the northern frontier, to obtain the superiority on the lakes. Indeed, the success of the land operations was considered to be entirely dependent on that of the marine. Commodore Perry had already established our dominion on Lake Erie: and that of Lake Ontario, had been successfully disputed by Commodore Chauncey,

with Sir James Yeo. Vermont and New-York were threatened from Lake Champlain. To counteract hostile attempts from this quarter, the command of the American squadron on this lake, was intrusted to Commodore Macdonough; while the defence of Plattsburgh depended on the exertions of General Macomb, and his gallant little army. In September, 1814, an attack was anticipated on these youthful commanders; accordingly, on the 11th of that month, the expected event took place.

For several days, the enemy had been on his way to Plattsburgh, by land and water, and it was well understood, that an attack would be made at the same time, by his land and naval forces. Commodore Macdonough determined to await at anchor the approach of the latter.

At eight o'clock in the morning, the look-out boat announced the approach of the enemy. At nine, he anchored in a line ahead, at about three hundred yards distance from the American line: his flag-ship, the *Confiance*, under Commodore Downie, was opposed to Commodore Macdonough's ship, the *Saratoga*; the brig *Linnet*, was opposed to the *Eagle*, Captain Robert Henley; the enemy's galleys, thirteen in number, to the schooner, sloop, and a division of galleys, one of his sloops assisting his ship and brig; the others assisting his galleys: the remaining American galleys being with the *Saratoga* and *Eagle*.

In this situation, the whole force on both sides became engaged; the *Saratoga* suffered much from the heavy fire of the *Confiance*, though the fire of the former was very destructive to her antagonist. The *Ticonderoga*, Lieutenant-commander Cassin, gallantly sustained her full share of the action. At half past ten o'clock, the *Eagle*, not being able to bring her guns to bear, cut her cable and anchored in a more eligible position, between the *Saratoga* and the *Ticonderoga*, where she very much annoyed the enemy, but unfortunately left her Commodore exposed to a galling fire from the enemy's brig. The guns of the *Saratoga* on the starboard side, being nearly all dismounted or not manageable, a stern anchor was let go, the bower cable cut, and the ship winded with a fresh

broadside on the *Confiance*, which soon after surrendered. The broadside of the *Saratoga* was then sprung to bear on the brig, which surrendered within about fifteen minutes.

The sloop that was opposed to the *Eagle*, had struck some time before, and drifted down the line; the sloop which was with the enemy's galleys, having also struck. Three of them were sunk, and the others pulled off. While Macdonough's galleys were in the act of obeying the signal to follow them, all the vessels were reported to him to be in a sinking state; it then became necessary to countermand the signal to the galleys, and order their men to the pumps.

At this time not a mast was standing in either squadron, in a condition to hold up a sail; the lower rigging being nearly all shot away, hung down along the masts.

The action lasted without intermission two hours and twenty minutes. The *Confiance* had one hundred and five round shot in her hull. Her shot passing principally over the heads of her antagonists, the hull of the *Saratoga* received but fifty-five shot, and at the close of the action, not twenty whole hammocks were in the nettings. The *Confiance* had one hundred and ninety men killed; and one of the captured sloops, the *Chub*, had but five men alive. The British Commodore, Downie, was killed at the first broadside. Commodore Macdonough was three times knocked down, by the splinters, and falling spars and blocks, but escaped with trifling injury. The *Saratoga* was twice set on fire by hot shot from the enemy's ship.

The following is a statement of the killed and wounded on board the American squadron, and of the force engaged on each side, taken from Commodore Macdonough's letter to the Secretary of the Navy, dated, "United States' ship *Saratoga*, at anchor off Plattsburgh, September 13th, 1814," accompanying the flags taken from the enemy.

American Force.

Saratoga, eight long 24 pounders; six 42 pound carronades; twelve 32 pound do.—total 26.

Eagle, twelve 32 pound carronades, and eight long 18 pounders.—total 20.

Ticonderoga, eight long 12 pounders; four long 18 do.; five 32 pound carronades:—total 17.

Preble, seven long 9 pounders:—total 7.

Ten galleys, viz.:—Allen, Burrows, Borer, Nettle, Viper, and Centipede, one long 24 pounder, and one 18 pounder, Columbiad, each;—and Ludlow, Wilmer, Aylwin, and Ballard, of one long 12 pounder, each.—Grand total 86 guns.

RECAPITULATION.—14 long 24 pounders,
 6 42 pound carronades,
 29 32 pound do.
 12 long 18 pounders,
 12 12 do.
 7 9 do.
 6 18 pound columbiads.

Total 86 guns.

Enemy's Force.

Frigate Confiance, twenty-seven long 24 pounders; four 32 pound carronades; six 24 pound do.; and two long 18 pounders, on berth deck:—total 39.

Brig Linnet, sixteen long 12 pounders:—total 16.

Sloop Chub, ten 18 pound carronades; one long six pounder:—total 11.

Sloop Finch, six 18 pound carronades; one 18 pound Columbiad, and four long 6 pounders:—total 11.

Thirteen galleys, viz.:—Sir James Yéo, one long 24 pounder, and one 32 pound carronade:—total 2.

Sir George Provost, one long 24 pounder, and one 32 pound carronade:—total 2.

Sir Sy Beckwith, one long 24 pounder, and one 32 pound carronade:—total 2.

Broke, one long 18 pounder, and one 32 pound carronade:—total 2.

Murray, one long 18 pounder, and one 18 pound carronade:—total 2.

Wellington, one long 18 pounder:—total 1.

Tecumseh, one long 18 do.—total 1.

Name unknown, one long 18 do.—total 1.

Drummond, one 32 pound carronade:—total 1.

Simcoe, one 32 do.—total 1.

Name unknown, one 32 pound carronade ;—total 1.

Do. do. one 32 do. do. —total 1.

Do do. one 32 do. do. —total 1.

Total, guns 95.

RECAPITULATION.—thirty long 24 pounders

seven 18 do.

sixteen 12 do.

five 6 do.

thirteen 32 pound carronades

six 24 do. do.

seventeen 18 do. do.

one 18 do. Columbiad.

Total, 95 guns.

An attack made by the British army, under the Governor-general of the Canadas, Sir George Provost, on General Macomb, commanding at Plattsburgh, owed its defeat to the bravery of Commodore Macdonough on the lake, and the undaunted valour of Macomb commanding on shore.

Sir George having collected all the disposable force in Lower Canada, with a view of conquering the country as far as Crown Point and Ticonderoga, entered the territories of the United States, on the first of September, with fourteen thousand men, and occupied the village of Champlain. As was before intimated, the co-operation of the naval force constituted an essential part of the arrangement. The consequence was, that instantly on the discomfiture of the fleet, the army retired with great precipitation, having lost two thousand five hundred men, in killed, wounded, and missing.

Thus, by the valour and conduct of two young commanders, joined to the exertion of the forces under their command, the enemy was expelled from Lake Champlain and its vicinity, his cherished enterprise miscarried, and the prospect of future success was rendered more distant and hopeless than ever.

This victory was announced to the department of war, by Commodore Macdonough, on the day it was obtained, in the following brief and modest communication: "The

Almighty has been pleased to grant us a signal victory on Lake Champlain, in the capture of one frigate, one brig, and two sloops of war of the enemy."

At the time of this brilliant achievement, Macdonough was in the twenty-eighth year of his age.

From this scene, at the return of peace he was transferred to the Atlantic, and paid another visit to his old Barbary friends.

In 1819, he was arrested by Commodore Stewart, while on the Mediterranean station. The writer is not sufficiently acquainted with the cause of arrest to attempt a detail of the connecting circumstances; nor, perhaps, is it of much importance, more especially, as the result in no way tarnished his fame, nor diverted from him the confidence of the government. Being deprived of his command, he returned to his country, to account for his conduct. To behold under arrest one of his unspotted character—whose modesty equalled his gallantry—a hero of the Mediterranean—the conqueror of Champlain—one alike the dread of Turks and Englishmen, was sorely unexpected, nor could any prematurely consider him guilty. But no one could possibly enter into the feelings of the endeared Macdonough, like Stephen Decatur. He had been his favourite midshipman in the Mediterranean; where Decatur led, he would follow. He added one to the splendid trophies of the naval prowess of America. It was hardly credible that he had even made a mistake in duty. And yet to this noble friend he manfully acknowledged his error. This was his last and greatest triumph; it was a victory over himself—it was truth in defiance of consequences. If his error were one of the judgment, his honour was untarnished—his fame undiminished.

Soon after this, his flag waved on a seventy-four, (the Washington or Franklin,) and he again visited the Mediterranean. He afterwards commanded the ship which carried out to Russia a minister from the United States. He remained in the service till the time of his death, which occurred in 1825. The following copy of a letter, written by a cadet at Captain Partridge's Academy, and politely furnished me by Mr. Stow, Post-Master, Middletown, Con-

necticut, contains the account of his death and funeral solemnities.

Middletown, December 3, 1825.

Honoured Sir :

I HAVE just returned from a melancholy service, having acted as one of the military escort of Cadets at the funeral of Commodore MACDONOUGH. He died at sea on the 10th of last month, and was brought for interment to this place, where he had resided for many years. I never before witnessed a military funeral. In the morning, thirty-nine minute guns, corresponding with the age of the deceased, were fired at the Academy. At one, P. M. the procession moved from the house lately occupied by the Commodore, now a desolate mansion, to the Presbyterian Church, in the following order :—

Music,

Playing a Dead March.

Military Escort.

Physicians.

Rev. Clergy.

Pall-Bearers. } CORPSE. } *Pall-Bearers.*

Mourners.

Officers of the Navy.

Masters of Vessels.

Officers of the Army.

Masons.

Officers of the Militia and Military Companies.

Judges of the Supreme Court.

Mayor and Corporation.

Civil Authority.

Officers and Instructors of the A. L. S. & M. Academy.

Cadets.

Citizens.

Prayers were read by the Right Rev. Bishop Brownell. After the benediction, the procession again moved through Main-Street to the North Burying Ground, where the remains of the Commodore were deposited, with appropriate religious ceremonies, by the side of Mrs. Macdonough, who died a few months since. Minute guns were fired

while the procession was moving, and the flags of all the vessels in port were at half-mast, and so continued until sunset. After firing three volleys over the grave, the procession returned, not as it came, with arms reversed, muffled drums, and solemn music, but with a quick and airy step to the cheerful notes of the fife and bugle. The sudden change by no means accorded with my feelings, and struck me as altogether inconsistent with the occasion; but according to military rules, a soldier ceases to mourn for a companion, after he has committed him to the earth. On reflection, I am satisfied that the sentiment is not opposed to the principles of Christianity. We cannot fail to lament the cause which has brought death into the world, as we convey the body of a departed friend to the house appointed for all the living; but, since life and immortality have been brought to light by the Gospel, we are forbidden to mourn as those who have no hope. Hopeless regret was certainly not the feeling which we were called to entertain at the interment of the Commodore. His piety, uniform, unaffected, and sincere, is a bright example to all, who follow the profession of arms. He was brave without ostentation, serious and dignified in his deportment, but modest and unassuming; and a model of correctness in all the relations of private life. No one dared to speak ill of him; no one cherished any thoughts concerning him, but those of respect and affection. He was most esteemed by those who knew him best. His name and his services will long be remembered by a grateful country. He has been removed in the midst of his reputation and usefulness. He has bequeathed to his juniors an eminent lesson on the vanity of human glory, and taught them, by his example, to direct their attention to the higher honours of a nobler state of existence.

The following is a copy of the letter enveloping an account of the funeral solemnities, and containing the inscription at his grave.

At the head of his grave is a neat pillar, with the following inscription. "Sacred to the memory of Commodore Thomas Macdonough, of the United States Navy. He was born in the State of Delaware, December, 1783

and died at sea of Pulmonary Consumption, while on his return from the command of the American squadron in the Mediterranean, on the 10th of November, 1825. He was distinguished in the world as the Hero of Lake Champlain; in the Church of Christ, as a faithful, zealous, and consistent Christian; in the community where he resided, when absent from professional duties, as an amiable, upright, and valuable Citizen."

A single occurrence, not known by me as published, and which I had from his own lips, I think deserves notice. It was this: At the close of the action on Lake Champlain, Provost, as it was supposed, wishing to have some delay, while he could prepare for his retreat, sent a flag to our Commodore, requesting him to inform by what means his victory was obtained. The Commodore, being then greatly and necessarily engaged in attending to the wounded, had no time to correspond with the enemy; he therefore took out his pencil, and on the same paper sent to him, he wrote these emphatical words—" *By hard fighting, Sir.*"

WILLIAM CARROLL

WAS born near Pittsburgh, Pennsylvania, about the year 1789, and was educated and brought up to mercantile pursuits. Of his early years, nothing is known which gives pre-eminence. He removed to Tennessee, in the year 1810, and settled at Nashville. When the political horizon was thickening and portended a tempest, he became a member and was elected Captain of the "*Nashville Uniform Volunteers*," which company tendered their services to the Government of the United States, a short time prior to the hostile attitude assumed by their country, in June, 1812. This tender was promptly accepted by the National Executive, and from this period, the military career of Carroll is dated. Suffice it to say,

that the officers and men of that corps emulated each the other in bringing their discipline to the highest state of perfection in their power. Captain Carroll, in particular, devoted much of his time to improve his knowledge of the military art.

Shortly after the government of the United States had made known to the world its determination to resist the aggressions of Great Britain on our National Independence, by an appeal to arms, a body of volunteers from Tennessee, commanded by General Andrew Jackson, was ordered by the general government to descend the Mississippi for the defence of the lower country, where invasion was at that time apprehended. On this occasion, Captain Carroll was appointed Brigade Inspector of the whole command, by the hero of New Orleans. During this expedition, officers and men, by their perseverance, patience, and correct discipline, drew from the late General Covington, at their discharge from Natchez, his marked approbation.

The hostile demeanour of the Creek Indians impelled the government of the United States to direct an irruption of military force into the Creek countries, in the autumn of 1813. General Andrew Jackson, with his Tennessee Volunteers, was again ordered to take the field. At this time, Carroll, who had been advanced to a majority in the militia of Tennessee, was at Pittsburgh on business. The moment he was made acquainted with this news, he started for General Jackson's head-quarters, considering himself attached to the forces then on the hostile expedition. He reached head-quarters just as the army was entering the Indian territory, and General Jackson announced him the next morning, in a general order, as Inspector-General of that army, ordering that he should be obeyed accordingly.

A short time only elapsed before the Tennesseans had an opportunity to test their prowess in battle. In the first general engagement which General Jackson brought on with the Indians, Colonel Carroll solicited and obtained the command of the van, two hundred strong, and was ordered to attack the enemy, feign a retreat, and thus

draw them into open action. His van found them sheltered by a morass. They were attacked and driven from their strong position. As was wished, this attack drew on a general action, and the Indians were totally routed, with the loss of three hundred killed. To Carroll, the post of honour was that of danger. He rode in front of his troops, in the hottest of the action, urging them on to victory or death. He was frequently solicited to retire to a place of greater security, for the sake of the troops whom he commanded, and he as frequently refused. His signal services were particularly recognised by General Jackson, in his official report.

Having effected its objects, this force was disbanded, and a less numerous one, consisting of mounted gun-men, and a single company of artillery, penetrated into the heart of the enemy's country. This incursion drew on several very sanguinary conflicts, wherein Colonel Carroll partook of the greatest dangers, and evinced his dauntless courage and military skill.

The 22d of January, 1814, was a day which formed a conspicuous era in his military career. At dawn of day, General Jackson's forces were assailed by the savage foe, who fought with desperation, and supported the attack for nearly an hour. The onset was made against the right wing of the Americans, a post to which Carroll hastened, and fought until the enemy was compelled to fly, when he headed the pursuit.

Jackson's forces were honoured on that day with two attacks from the savages. The smallness of his numbers, scarcity of provisions, and the necessary details to wait on his wounded, determined him to fall back on his strong hold, at Fort Strother, on the Coosee, to await the arrival of a large reinforcement which was hastening to his support. Apprehensive of attack in his retrograde movement, having made every necessary disposition, he committed the command of the rear, which was most exposed to the enemy, to Colonel Carroll. The army had scarcely taken up its line of march, on the morning of the 24th, and cleared the fortifications, when the rear of the right and left columns, and rear guard, were simultaneously attacked

by the savages, most furiously. A panic spread throughout his command, and Carroll was left with about thirty men to sustain the conflict. These few exhibited Spartan prowess, until the loss of half their numbers induced their brave commander to fall back on a corps of artillery which bravely stood its ground with musketry. The arrival of a six-pounder, charged with grape-shot, soon compelled the savages to fly for shelter to the adjacent hills. A reinforcement from the advance of the retreating army, enabled Colonel Carroll to pursue the Indians a considerable distance. In this conflict, the loss of the savages was very considerable.

Tehupecau, on the river Talapoosee, next witnessed his deeds of bravery. Here, in a position impervious both by nature and art to artillery, the Indians posted themselves. Jackson instantly determined to storm their intrenchments. The Americans rushed forward under a heavy fire, and carried the breastwork; this was succeeded by an immediate discomfiture of the Indians, who lost, according to General Jackson's calculation, eight hundred in killed, wounded, and prisoners. A small party of the fleeing foe, sheltered by some brushwood, impenetrable to musketry, continued a galling fire. Colonel Carroll requested and obtained the command of a small detachment, with which he instantly charged the Indians with fixed bayonets, and routed them. In this rencounter, he received a flesh wound, but did not leave the field of contest. The humbled savages sued for peace: the result was an honourable treaty.

In the following October, General Jackson received the appointment of Major-General in the regular army of the United States, which vacated the command of the second division of Tennessee militia. The field officers of that division elected Colonel Carroll their Major-General to supply the vacancy. A few days after, he received orders from the Governor of Tennessee to repair with three thousand men of his division to New-Orleans, to assist in the defence of that important post, which was menaced by the British.

General Carroll concentrated his troops at Nashville; on

the 14th of November, 1814, after which, they were organized, equipped, and arrived at New-Orleans, their point of destination, in twenty-two days—a distance of one thousand three hundred miles. The enemy had debarked—Coffee had engaged their advanced posts, and General Jackson was busily engaged in fortifying himself in a most advantageous position, a few miles below New-Orleans, at Carroll's arrival. This auxiliary force was greeted with a most hearty welcome. Jackson had his front supported by a ditch and breastwork; his right by the river Mississippi, and his left by a deep swamp. The enemy in full view at about a mile distance, had thrown up ample defences. In the intervening plain some sanguinary conflicts took place before the final discomfiture of the British.

On the 28th of December, the British advanced some columns with a show of storming the American lines. These were met by General Carroll with his command, who compelled them to retire within their works. In this affair, the loss of the British was very considerable, while that of Carroll's was twelve killed and twenty wounded. On the 1st and 6th of January, 1815, the British made similar attempts on the American lines, with like ill success. On the morning of the 8th, General Pakenham determined to put his strength at final issue. A lieutenant-general in rank, the brother-in-law of the famous Wellington, with veteran troops inured to service on the Hesperian peninsula, Pakenham was sure of success. In fact, so certain was the British government of the issue of this expedition, that in its equipment, it was accompanied by the entire intended civil department of the expected conquered province; but, alas! the frailty of all human calculations—the project miscarried, and instead of spreading desolation and distress with his well trained myrmidons, graced with the garlands of victorious infamy, the plumed warrior was destined to bite the dust. The evening preceding the attack, Pakenham, by a deserter, was made acquainted with Carroll's position in the centre of the American line of defences, and advised of the certainty of their giving way at the first attack, determined to make

them sustain the heaviest of the battle. With his best and heaviest column, next morning, he advanced against Carroll's division. Within seventy-five yards of the American lines, he boldly displayed his columns, amidst a very heavy and incessant fire of artillery from the American batteries. The enemy advanced with slow and regular step to the attack. Carroll had given positive orders to his troops to reserve their fire until the near approach of the enemy rendered the work of death certain and inevitable. The enemy reached the ditch—Carroll gave the word "fire,"—the enemy, strewing the ground with the dead and dying, fled in confusion. Thrice their officers rallied and led to the charge with like success. Although the attack was general, the treachery of a deserter led the brunt of the attack against the Tennesseans. A retreat took place—the proud conquerors of Talavera fled before the raw yeomanry of the American forests and their brethren in arms. The Americans lost about six killed and twelve wounded, while the loss of the British in killed, wounded, and prisoners, was two thousand five hundred, a parallel scarcely to be found in any period of history. Among the killed, was the British Commander-in-chief, Sir Edward Packenham, and Major-General Gibbs: Major-General Keane was severely wounded, and a number of field and platoon officers, and only four hundred privates out of the two thousand five hundred, were made prisoners.

General Morgan having been driven from his position on the west bank of the Mississippi, in this action, General Jackson, who commanded in chief on the whole American lines, directed General Carroll to pass the river, take command of Morgan's detachment, and dislodge the enemy from their recent conquest. In obedience to orders, he passed the river and took command—he harangued the lately discomfited troops, who greeted him with applause, while he promised to lead them to victory or death. As they advanced to the attack in regular order, the enemy retreated precipitately from their new position—he replaced them at their former posts, repassed the river, and resumed the command of his own division.

The British having been totally defeated before New Orleans, with unparalleled disparity of loss, retreated to their shipping, and relinquished any farther thoughts of subjugating that section of the United States. Peace was soon after proclaimed, and General Carroll, according to orders, marched his men home, and discharged them. On this march he measured his way home with his troops on foot, sharing equal fatigue with the lowest of his soldiers. To his troops he was kind and affectionate, bestowing particular care on the sick, and attention to the health and welfare of the whole. On his arrival at home, he was greeted with unbounded applause by his fellow citizens. In the short space of his military career, no one marched to the goal of renown with more rapid strides ; and no man in his sphere appeared more deserving. Of a form athletic, sanguine temperament, and zealous in his disposition and undertaking, he seemed capable of surmounting the greatest fatigue and hardships. Beloved by his troops, they parted from him with regret, and the calumet of peace suffered each to repose under his own vine and fig-tree, and enjoy domestic repose under the banners of freedom.

JACOB BROWN.

THE ancestors of General Brown emigrated from England with William Penn, in the first settlement of Pennsylvania, and for successive generations, have been respectable members of the society of Friends, improperly called *Quakers*. The general was born in Bucks county, Pennsylvania, a few miles below Trenton, in New Jersey. He received a plain country education, taught a country school in his early years, according to report ; and acquired a knowledge of surveying, the practice of which art led him to emigrate, at the age of twenty-three, to New York, where he became acquainted with an agent who had the

direction of a large landed concern in the vicinity of the waters of Lake Ontario. With this man he contracted for a tract of several thousand acres of land, not far from Sackett's Harbour, and began its settlement in 1799. Here he resided in the laudable pursuits of agricultural improvement, beloved and respected. In 1808 he was elected a member of the New York Agricultural and Philosophical Society. His acceptance, in 1809, of a colonelcy, in the New York Militia, the first military office he ever held, proclaimed him no longer a member of that religious fraternity to which his family had been for ages attached. In consequence of the rage of *party spirit*, the appointments made by the New York Council of Appointment, particularly in times of peace, were often governed more by the consideration of the political influence of the person to be commissioned, than by his capacity to discharge the duties annexed to the station they design him to fill. Considerations of this nature, no doubt, induced Colonel Brown's promotion to the rank of Brigadier General, in 1811, as he was not led to this important station by gradation or singular military services. Practices of this sort, while they reflect no dishonour on persons thus appointed, deserve the highest censure, because, while the elevation is not derived from conspicuous services, it tramples on the rights of seniority in commission.

It is thus accounted for, that, at the commencement of hostilities on the part of the United States against Great Britain, an important frontier of the state of New York was found under the military command of General Jacob Brown. Of the first detachment of New York militia, called into the actual service of the United States, one brigade was committed to his charge. That the subsequent development of General Brown's military character cannot be ascribed to the wisdom and foresight of that body to whom he owed his commission, the preceding observations will amply warrant; hence it is but fair to infer, that his subsequent military career is ascribable alone to his prowess and talents, perhaps not unaided by Executive favour.

The General's first command embraced the whole line

of frontier from Oswego to St. Regis, a distance of more than three hundred miles. Within this line was included the important post of Sackett's Harbour, the security of which, being essential to the success of ulterior operations, constituted the first object of his attention. Having fortified this in the best manner his time and scanty means would allow, he reconnoitered in person the shores of the St. Lawrence, and provided, as far as practicable, for the defence of the country. His transportation, a short time afterwards, of a party of four hundred men from Sackett's Harbour to Ogdensburgh, manifested firmness of purpose and intrepidity of spirit. The roads were impassable for baggage and artillery, and the enemy was in undisputed possession of the lake and river. On the subject of a passage by water, but one opinion existed; an attempt of this description was considered as fraught with destruction. The General, however, having been ordered to proceed, was bent on obedience. He accordingly embarked with his troops in the best flotilla he could provide for the purpose, and, determined to fight his way through whatever might oppose him, arrived in safety at his place of destination.

While stationed at Ogdensburgh, he so galled and harassed the enemy, in the navigation of the St. Lawrence, that, impatient of further annoyance, they fitted out a formidable expedition for his capture or destruction. The number of men they despatched on this enterprise was upwards of eight hundred, commanded by some of their best officers, and provided with every thing deemed necessary to ensure success. The American force opposed to them was less than four hundred. Notwithstanding this vast numerical difference, General Brown forced the enemy to retreat precipitately, with considerable loss in boats and men, not one of his party having received even a wound. No farther attempts were made to dislodge him during the continuance of his force at that post.

His term of service having soon afterwards expired, the General returned to his family at Brownville, and resumed his agricultural pursuits. In the spring of 1813, General Brown again took the field, and once more was in-

trusted with the defence of Sackett's Harbour, then menaced by a serious attack from the enemy.

All the regular troops, excepting about four hundred, who, from their recent arrival on the spot, were but little better than fresh recruits, had been removed from the harbour, to co-operate in the meditated reduction of Fort George. The furniture of the cannon having been carried off to complete the outfit for the same service, the batteries were nearly in a dismantled state. Nor could any efficient aid be derived from the co-operation of the fleet, in as much as that, with the exception of two small schooners, was all employed in the expedition up the lake. In fact, considering its exposed situation, and the vital importance of the post, Sackett's Harbour had been, to the astonishment of all military men, left in a most unprotected and perilous condition. To aid in its defence, General Brown imbodyed, with all practicable promptitude, a few hundred militia from the adjacent district, who had scarcely arrived, when the enemy made his appearance. The General's situation was critical, and to the heart of a soldier trying in the extreme. It was his duty to meet the fire, perhaps the bayonets of veterans, with a handful of raw, undisciplined troops, many of them but a few days from the bosom of their families, their domestic feelings still awake—and their habits of civil life perfectly unbroken, none of whom having ever before faced an enemy in the field. But his own activity, valour, and skill, aided by the determined bravery of Lieutenant-Colonel Backus, of the regular army, supplied all deficiencies. Arrangements were made to receive the enemy with a warm and galling fire at his place of landing, and to contest the ground with him in his advance towards the fort.

The regiment of United States' troops was stationed in the rear, while General Brown, at the head of his new levies, occupied the first post of danger. On the second fire the militia broke and fled in disorder, but were rallied again by the exertions of their commander. During the remainder of the conflict, which was warm, and continued some time with varying success, the presence of the Gene-

ral was every where felt, applauding the brave, encouraging the timid, and rallying the flying, till his efforts were ultimately crowned with victory. In consequence of the firm front presented by the regulars, and the judicious disposition of a body of militia threatening his rear, the enemy was compelled to relinquish the contest, without accomplishing his object, and retreat in great haste and disorder, to his place of embarkation.

General Brown, returning once more to private life, was offered the command of a regiment in the regular army. This offer he unhesitatingly declined. The acceptance of it would have placed him below officers whom he might then command, and, as the regiment was yet to be raised, a considerable time must have elapsed before he could possibly have taken the field. In plain terms, he felt himself entitled to a higher rank. The government soon appointed him a Brigadier-General in the army of the United States.

The first service in which General Brown was engaged under his new appointment, was the superintendence and direction of the arrangements for transporting from Sackett's Harbour, down the St. Lawrence, the army commanded by General Wilkinson, in the autumn of the year 1813, in the abortive expedition for the reduction of Montreal. For the completion of these arrangements from the time of their commencement, only three weeks were allowed.

In the expedition down the St. Lawrence, and during the course of the winter that succeeded, the duties and services in which General Brown was engaged were of the utmost importance to the operations and well-being of the army, and in all of them he acquitted himself with distinguished reputation.

In the winter of 1813—14, the enemy having gained possession of Fort Niagara, and being in considerable force on the opposite shore, a determination was formed to remove once more the seat of war to that frontier. Perceiving that the conflict would be arduous and sanguinary, and that the master spirits of the army alone could encounter it with any reasonable prospect of suc-

cess, the Executive appointed General Brown to lead the expedition.*

The preceding campaign being darkened by disasters, General Brown and his officers were fully sensible of the deep stake which both themselves and their country held on the issue of the present.

The movements of the army were conducted with celerity, silence, and vigour. General Brown had advanced on his march almost to Buffalo, before it was generally known that he had left his encampment at Sackett's Harbour.

The first achievement of General Brown, on entering the enemy's territory, was the reduction of Fort Erie, the garrison of which surrendered with but little resistance. He then declared martial law, and made known his views in a proclamation.

No sooner had the General made the necessary arrangements in relation to the occupancy and security of

* General Armstrong was Secretary of War—possessing the science and the spirit of the modern art of war, his mind was occupied more in the application of the enlarged plan of a system where large armies move, than on the particular modes adapted to small armies and regions so extensive and unsettled: he possessed the ambition of great enterprise, but his mind appeared to confound the most opposite circumstances, and to suppose that the same principles would apply to every place and every sort of character; the want of judgment which may be traced, perhaps to an undervaluation of men in general, was most conspicuous in his unfortunate choice of men unfit to execute his designs, or his rejection of those who were most fit, or his desire to execute every thing personally.

The greatest disasters arose out of these unfortunate circumstances. He had meditated a bold and important design—it was to attack Kingston in Canada; but his mode of operation was circuitous—his means disproportionate—he was wholly unprovided with means of subsistence to support a successful enterprise—and unfortunate in the choice of a chief to conduct it. Perhaps history offers no example of a series of blunders so preposterous and ludicrous, and yet so unfortunate as to their issue and the bloodshed which followed without any good effect.

With a view to the attack on Kingston, he determined that the officer who was to command should not be apprized of the service until at the moment when he was ordered to execute it. For this purpose he issued an order to Brigadier-General Jacob Brown, then commanding at Sackett's Harbour, for an attack on Kingston with the force under his command, and contemporaneously a large body of New York militia were ordered to join him, to act as a reinforcement, and to occupy the positions evacuated by the army carried into Canada.

Enclosed in this letter, officially addressed to the General, was another; this letter was in the hand-writing of the war-minister, and in terms ordered the General with all his force, excepting only a small guard, to move upon Niagara by forced marches; that the voice of the country exclaimed against its possession by the enemy; and directed it to be taken at all hazards.

Fort Erie, than he marched to attack the enemy, who lay intrenched in his works at Chippewa.

On the morning of the 4th of July, General Scott, with his brigade, and a corps of artillery, advanced. After some skirmishing with the enemy, he selected a judicious position for the night; his right resting on the river, and a ravine in front; at eleven P. M. General Brown joined him with the reserve under General Ripley, and a corps of artillery, under Major Hindman—a field and battering train were also brought up; General Porter arrived in the morning with a part of the New York and Pennsylvania volunteers, and some of the warriors of the Six Nations.

Early in the morning of the 5th, the enemy attacked the pickets; by noon he showed himself on the left of the army, and attacked one of the pickets, as it was returning to camp. Captain Treat, who commanded the picket,

He was advised that when he should reach the valley of Onondaga, about midway between Sackett's Harbour and Niagara, that he would there be joined by Colonel Gaines, and a numerous additional force, artillery, and stores.

The General, on perusing the order to go against Kingston, and the enclosure directing his march on Niagara, appears to have overlooked the use that was *hinted* rather than ordered to be used. The enclosure was in fact intended to be used as a deception on the enemy, and General Brown was expected to contrive some means by which this letter should be intercepted by the enemy; who would thereby be induced to withdraw his forces from Kingston to reinforce Niagara and Fort George, and thus prepare the way for the success of the masked design on Kingston. Instead of obeying the orders which were regularly issued from the war department, General Brown, not conceiving the drift of the letter of General Armstrong, which was to have fallen intentionally into the hands of the enemy, determined to act on it, regardless of the other. He consequently marched his troops to attack Niagara and Fort George. When he reached Onondaga Hollow he found no troops there as the letter had promised. He was surprised and knew not what to do. Meeting, however, with Colonel Gaines shortly after by mere accident, he informed Gaines of his situation and disappointment. General Brown exhibited his orders and letter to Gaines, who, immediately perceiving the intentions of Armstrong, informed him that he ought to have acted on his orders, to contrive to let the letter fall into the hands of the enemy. A despatch was sent immediately to General Armstrong, apprizing him of the blunder.

The minister of war, to save the character of a *favourite* officer of the Cabinet, directed an immediate change of operations instead of what he had intended, and ordered that the pretended attack on Niagara and Fort George, instead of serving only as a *ruse de-guerre*, should become the basis of military operations for that campaign. To this blunder of a General, and the complacency of a war-minister to screen his favourite, is ascribed the useless devastation and carnage which took place on the Niagara frontier, during that summer and autumn; an event which will long be remembered by the inhabitants of its vicinity.

retired, leaving a wounded man on the ground. Captain Biddle, of the artillery, promptly assumed the command of this picket, led it back to the wounded man, and brought him off the field.

General Brown very improperly ordered Captain Treat to retire from the army, and ordered that his name, and that of another officer, should be struck from the roll of the army.

Captain Treat demanded a Court of Inquiry; it was not granted; but a Court-Martial was ordered at Fort Erie. The left division of the army marched to Sackett's Harbour soon after, and the Court was dissolved.

Captain Treat immediately proceeded to Sackett's Harbour, by permission from Major-General Izard, and requested another Court-Martial. Major-General Brown, on the 5th of April, 1815, after the repeated solicitations of Captain Treat, issued an order, organizing a Court, consisting of Colonel M'Feely, President; Lieutenant-Colonel Smith, Major Croker, Major Boyle, Major Mullany, Major Chane, Captain White, members; Captain Seymour, supernumerary; Lieutenant Anderson, 13th regiment, Judge Advocate.

The court met, and proceeded on the trial the 6th of April, 1815, at Sackett's Harbour. They closed the investigation on the 8th of May, when Captain Treat was honourably acquitted.

The sentence of the Court was approved by Major-General Brown, and promulgated on the 28th of June, at Sackett's Harbour.

At 4 o'clock in the afternoon, General Porter advanced with the volunteers and Indians, in order to induce the enemy to come forth. General Porter's command met the light parties of the enemy in the woods. The enemy was driven, and Porter pursued until near Chippewa, where he met their whole column, in order of battle. The heavy firing induced a belief that the entire force of the enemy was in motion, and prepared for action. General Scott was ordered to advance with his brigade, and Towson's artillery. The General advanced in the most prompt and officer-like manner, and, in a few mi-

minutes, was in close action with a superior force of the enemy. By this time, General Porter's command had given way, and fled in disorder, notwithstanding the great exertions of the General to rally them. This retreat left the left flank of General Scott's brigade greatly exposed. Captain Harris was directed, with his dragoons, to stop the fugitives, behind the ravine, fronting the American camp. General Ripley, with the 21st regiment, which formed part of the reserve, passed to the left of the camp, under cover of the wood, to relieve General Scott, by falling on the enemy's right flank, but, before the 21st could come into its position, the line commanded by General Scott, closed with the enemy. Major Jessup, commanding the left flank battalion, finding himself pressed in front and flank, and his men falling fast around him, ordered his battalion to "*support arms, and advance ;*" the order was promptly obeyed, amid the most deadly and destructive fire. Having gained a better position, he poured on the enemy a fire so galling, as caused him to retire. The enemy's entire line now fell back, and continued to retreat, until at the sloping ground, descending towards Chippewa, when they broke, and fled to their works.

General Brown, finding the pursuit of the troops checked by the batteries of the enemy, ordered up his ordnance, in order to force the place, by a direct attack, but was induced, by the report of Major Wood, and Captain Austin, who reconnoitered the enemy's works, the lateness of the hour, and the advice of his officers, to order the forces to retire to camp. The American troops on no occasion behaved with more gallantry than on the present. The British regulars suffered defeat from a number of men, principally volunteers and militia, inferior to the vanquished enemy, in every thing but courage ; and the gallant Brown, a woodsman, "a soldier of yesterday," put at defiance the military tactics of the experienced Major-General Riall.

On the 25th of July, General Brown's army was encamped above Chippewa, near the battle ground of the 5th. The brigade under General Scott moved past Chippewa, and halted at Bridgewater, in view of Niagara

falls. At half past 4, P. M. the battle was commenced by the enemy. The enemy, being numerically superior to the Americans, he was able to extend his line so as to attempt to flank. In order to counteract the apparent view of General Riall, he was *fought in detachments—he was charged in column*. The ground was obstinately contested until 9 o'clock in the evening, when General Brown decided to storm a battery, which the enemy had on a commanding eminence. Colonel Miller commanded on this enterprise, which was so resolutely commenced, that the enemy, unable to withstand the charge, retired to the bottom of the hill, and abandoned his cannon. The enemy now gave way, and was pursued some distance. The American army then attended to the security of the prisoners, and bringing off the wounded.

While the army was thus employed, General Drummond arrived with a reinforcement to the enemy, when he, unexpectedly to the Americans, renewed the battle, with a view to recover his cannon. The army, having quickly formed, resisted the attack with courage; and, after a close engagement, the enemy was repulsed, as he was in two other similar attempts. The American army having effected the removal of nearly all the wounded, retired from the ground a little before midnight, and returned to camp.

On the morning after the battle, the Americans, under Generals Ripley, and Porter, reconnoitered the enemy, who did not show any disposition to renew the contest, and then burned the enemy's barracks and a bridge at Chipewewa, after which they returned to Fort Erie.

The enemy was believed to have lost between twelve and thirteen hundred men, including Major-General Riall, who was wounded, and, with eighteen other officers, and one hundred and fifty non-commissioned officers and privates, taken prisoners. The Americans lost—killed, one hundred and seventy-one; wounded, five hundred and seventy-two; missing, one hundred and seventeen—total, eight hundred and sixty.

The British force engaged, amounted, by their own confession, to four thousand five hundred men, mostly, or

wholly regulars, besides a host of Indians ; the American force did not exceed two thousand eight hundred men, consisting in a great proportion of the militia of Pennsylvania and New York.

General Brown received two wounds, but continued to command till the action ended. The General was obliged, by the severity of his wounds, to retire from the command, which devolved on General Ripley.

In the space of a few weeks, he was again at the head of his army, within the walls of Fort Erie. In the interim, the troops in that fortress had been much harassed and pressed by the enemy, now become superior in a still higher degree by reinforcements, and exasperated to madness by their late defeats. An assault of the works had been attempted, but was gallantly repelled by the American forces, then under the command of General Gaines. Not long afterwards, that officer received a serious wound from the bursting of a shell, which obliged him to retire, for a time, from service.

Menaced in front by a powerful enemy, and having a river of difficult passage in their rear, the troops in Fort Erie began to be considered in a very perilous situation ; but while General Drummond was engaged in formidable arrangements, intended for the destruction of the American forces, General Brown was still more actively employed in devising means for their safety and glory.

By the middle of September, the enemy had nearly completed a line of batteries to command the fort, which, when in full operation, would have rendered the position of the Americans at least unsafe, if not untenable. On the 17th of September, the day before the fire from the batteries was to commence, General Brown made a sortie, not in the form of a "night attack," of which a distinguished British officer had so bitterly complained, but in the face of day, drove the enemy from his strong hold with the loss of more than eight hundred men, spiked his cannon, and destroyed his works.

Shortly after the destruction of his works, General Drummond retreated from before Fort Erie, and fell back on Fort George, leaving the American army in security

and repose. The conflict in that quarter being now apparently at an end, General Brown was transferred from the Niagara frontier, to the command of Sackett's Harbour.

After the war was ended, and the army reduced to a peace establishment, General Brown was retained in service, as senior Major-General, and was intrusted with the command of the Northern Military District.

In some of the movements of his army on the Canada frontier, General Brown has been accused of betraying an ignorance of military affairs, ill-suited to his station, and an obstinacy of disposition which only yielded to those whom he conceived to be armed with executive favour and superior knowledge.

The treatment of General Brown to Captain Treat subjected him to a great deal of censure. His correspondence with Commodore Chauncey, and his conduct in regard to General Ripley, did not contribute much to raise him in the esteem of those gentlemen. In fine, his career has been brilliant, checkered with bravery, a little fault, some vanity, and much good conduct. That his errors were so few, is matter of applause to him, when his *rocket* elevation to command, without a previous knowledge of the elementary principles of military science, is considered; and what is more astonishing, is, that an experienced adversary should outweigh him in the commission of error. The General is certainly an exception to the rule which requires regular military education to complete the Commander. Had he lived under some of the monarchs of Europe, he would very probably have to select between a return to his farm, and a lieutenancy of regulars. It belongs to republics to develope and reward personal merit. When the *people* become party in a war, every citizen is, or ought to be, esteemed according to his intrinsic value.

The General died while in commission, at Washington City, February 24th, 1828, and was buried with military honours. The particulars of his obsequies are not at hand, nor are they perhaps materially important. Major-General Alexander Macomb is his successor.

COMMODORE JOHN RODGERS

WAS born in Harford county, Maryland, of which his father was a respectable citizen, about the year 1765. He was bred to the sea, and even in the Revolutionary war, although a youth, he rose, before its termination, to a respectable rank in the American Navy. From the peace of 1783 to the establishment of the Navy, he was a commander of various vessels in the merchant service. After the determination of the United States government to create a naval establishment, he was among the first appointed to command.

In August, 1803, he commanded the frigates *New York* and *John Adams*, (being the senior captain,) with the title of commodore, and assisted Commodore Preble in inducing the Emperor of Morocco, whose conduct had assumed a hostile attitude towards the United States, to restore the American vessels and other property then captured or detained, and to compel him to renew the former treaty which existed between the two governments. He then returned, according to orders, with his command, to the United States. During the calm of years which succeeded the Barbary warfare, nothing occurred to bring the Commodore on the public stage, until the affair of the *Little Belt*. Pursuant to his instructions, Commodore Rodgers, commanding the United States' frigate *President*, sailed on the 10th of May, 1811, from Annapolis for New York. About midday, on the 16th, within six leagues from land, he descried a sail to the eastward, standing towards him. The Commodore supposed her to be the British frigate *Guerriere*, which, it was supposed, had a few days before impressed a boy from on board an American brig, off Sandy Hook. He resolved to speak her, and induce, if possible, her commander to restore the lad to his nation and to his freedom. Although Captain Rodgers saw at

half past three that the President was gaining on the other, it was not until it was too dark, when the President came up with her, to discover to what nation she belonged, as she displayed no colours. The conduct of the commander of the strange vessel led to a rencontre, (he having refused to answer, when hailed, and fired upon the President,) in which he lost nine men killed and twenty-two wounded; lying by her all night to afford assistance, the Commodore at daybreak sent on board to learn what vessel she was, and who was her commander, and at the same time to offer any assistance that might be wanted. On the return of his officer, the Commodore learned that she was the British sloop of war Little Belt, Bingham, commander, who declined receiving any assistance. The account rendered to the British government by the commander of the Little Belt, was in a strain of boasting and censure; but the modest narration of Commodore Rodgers, supported by his officers and men, obtained belief. None was killed on board of the President, and one boy only slightly wounded. The conduct of Commodore Rodgers was approved by the American government, and the British Cabinet had approbated on former occasions conduct of her own officers, too infamous to take any notice of this affair. Affairs, however, between the United States and Great Britain were drawing to a crisis. The British aggressions on the neutral rights of the United States were not redressed—remonstrance was unavailing. The violation of the municipal laws of the American government was encouraged by Great Britain, and the government publicly contemned every right which appertained to the United States as a neutral nation. She had carried on against them for some years, a *war in disguise*, and the Congress of the United States, as a dernier resort, was obliged, on the 18th of June, 1812, to authorize a defensive warfare. This was formally done; and on the 21st of the same month, the frigates President, (Commodore Rodgers,) Congress, and brigs Hornet and Argus, sailed from New York in quest of a British fleet of merchantmen, which had sailed from Jamaica for England the preceding month. The Commodore learned that this fleet, under convoy, had passed, four days before,

and the American squadron crowded all sail for the pursuit. Commodore Rodgers, however, the next day, was induced to alter his course, in consequence of the appearance of the British frigate *Belvidere*, to which he gave chase. The British Captain outsailed the Commodore by starting his water casks, cutting away his anchors, and throwing overboard whatever he could spare, and escaped. In the pursuit, one of the President's chase-guns burst, and killed and wounded sixteen of her men. Among the wounded was the Commodore himself, whose leg was fractured. In the firing from the President, the *Belvidere* had one man killed and six wounded from the first shot. The Commodore gave up the chase, and put into Boston, whence he again put to sea on the 8th of October, in the President, accompanied by the frigates *United States* and *Congress*, and brig *Argus*. On the 13th, the frigate *United States* and brig *Argus* parted from the President and *Congress* in a gale.

On the 15th, the President and *Congress* captured the British Packet *Swallow*, having on board specie to the amount of \$200,000, and gold dust supposed to be worth \$100,000. This prize arrived safely in an American port, and the property was deposited in one of the Banks, carried in several wagons, under a naval escort. On the 31st, they captured a South Sea ship, laden with oil. The *Galatea*, British frigate, which convoyed her and another, was chased, but escaped by means of a heavy fog. The *Nymph* frigate was afterwards descried and chased, but escaped under cover of night. In this cruise the frigates President and *Congress* traversed more than 8,000 miles, and no other opportunity was offered their commanders to try their prowess than those enumerated. They returned to Boston, much chagrined, on the last day of December, 1812.

The Commodore remained on shore until the 23d of April, 1813, when he again put to sea from Boston, in the President frigate, accompanied by the *Congress*, Captain Smith, and cleared President Roads on the 30th of the same month. In this, his third cruise after the declaration of hostilities, he met no vessel of equal force to his own.

He visited the coasts of Bergen, Norway, and the Shetland Isles, and returned to Newport, Rhode Island, on the 23d of September. In this cruise he captured twelve vessels, the crews of which amounted to 271 persons. In his absence from the United States on this occasion, the burning and sacking of Havre-de-Grace, Maryland, took place under the command of the *renowned* Admiral Cockburn, who never faced an equal foe. The dwelling of the Commodore shared the fate of those of the rest of the inhabitants. The Commodore was plundered of some of his Mediterranean presents, received for his merits in the Barbary warfare. The schooner *Highflyer*, a privateer out of Baltimore, a remarkably fast sailer, had been captured and converted into a tender, belonging to the British squadron on the New England station. This vessel the Commodore had the good fortune to capture by decoy, on the 22d of September, off Rhode Island, having obtained possession of the private signals of the British navy; and it is somewhat singular, if report be true, that the sword which the British Lieutenant commanding the *Highflyer* tendered to the Commodore on surrendering, was the Commodore's own sword, plundered from his house in Havre-de-Grace, during the disgraceful and barbarous expedition of Cockburn, and which had been presented to him in Sicily, for friendly and humane services to natives of that Island.

Ever after the chase of the British frigate *Belvidere*, the Commodore could not find a British frigate of equal force with his own, unaccompanied with a seventy-four. Although in three cruises in search of the enemy, no opportunity presented itself to signalize himself in combat, yet from his unwearied exertions he rendered his country signal services, and his reputation stood, and yet stands, deservedly high in public estimation.

At the attack on Baltimore, he, with his seamen, was stationed in Fort Covington, and Commodore Barney's flotilla-men in the six-gun battery. These were the first, during the night bombardment, who descried and repulsed a body of the British, one thousand two hundred and fifty strong, who, in fifty boats, with muffled oars, under

the mantle of darkness, had passed Fort M'Henry, with scaling ladders, for landing and attacking it in the rear.

During the siege, Commodore Rodgers was indefatigable in rendering all the aid of which he was capable, for which he received public acknowledgments, and various testimonials of respect, among which was a splendid service of plate.

On the return of peace, Congress constituted a board of Commissioners of the navy, to relieve the Secretary from a part of his duties, by which it was judged the public service would be benefited, of which the Commodore was appointed one.

AUGUSTUS C. LUDLOW.

THE biography of a young officer, who has not arrived to chief command, is generally barren of events which can attract public notice. The limited sphere in which he must necessarily move precludes notoriety, until some signal event brings him before the public.

Lieutenant Ludlow was a native of Orange county, New York, where his relatives reside. His mother united herself in a second marriage, to a Mr. W. Jones, a native of Ireland, who followed the mercantile business. Young Ludlow, after having received his education, adopted the profession of a seaman, and very early entered a midshipman in the United States' service, where, by his good conduct, he secured universal esteem, and rose to the rank of first Lieutenant of the United States' frigate Chesapeake.

The circumstance of the engagement between the British frigate Shannon and the United States' frigate Chesapeake, the 2d of June, 1813, which ended in the capture of the latter vessel, more particularly belongs to the biography of her commander, Captain Lawrence. In the action, Lieutenant Ludlow was mortally wounded in attempt-

ing to repel the enemy's boarders, and died a few days afterwards. The Chesapeake having been carried into Halifax, Lieutenant Ludlow, in conjunction with his lamented commander, was buried with every mark of respect and honour due to a brave, but unfortunate foe. Their remains were afterwards disinterred, brought to the United States, and interred at New York, amid the tears of relatives, friends, and fellow citizens, who thus paid their last tribute of affection to the mortal remains of departed worth.

JAMES BIDDLE.

JAMES BIDDLE was the son of Charles Biddle, Esq., of Philadelphia, born on the 18th of February, 1783. He was educated at the University of Pennsylvania. He obtained a midshipman's warrant in the year 1800—was on board of the Philadelphia frigate at the time she was taken by the Tripolitans, and suffered a rigorous confinement of nineteen months.

At the conclusion of the peace with the Bashaw of Tripoli, in which the release of prisoners was stipulated, Mr. Biddle returned to the United States with Captain Bainbridge. They landed at Norfolk, and travelled thence by land to Philadelphia, where they arrived in September, 1805. From this period, Mr. Biddle, who, on his release, had been promoted to a lieutenancy, was engaged in various situations, until the breaking out of the war with Great Britain. He cruised for some time in a gun-boat on the southern coast, in company with the John Adams; was employed in surveying the harbour of Beaufort; whence he came to Philadelphia, where, after residing some time with his family, he obtained a furlough, and made a voyage to China in a merchant ship. On his return, he was employed under Commodore Murray in a flotilla of gun-boats, enforcing the Embargo. No other service than that of the gun-boats was, during this period,

open to our officers, as the Chesapeake was the only frigate in commission.

In the year 1809, however, the equipment of a number of vessels being authorized, and Commodore Bainbridge appointed to the President, Mr. Biddle was assigned as his second lieutenant. In consequence of there being no prospect of active service, Captain Bainbridge, in 1810, obtained a furlough, and in consequence relinquished the command of the President. Lieutenant Biddle was then ordered to take charge of the Syren from Philadelphia to Hampton Roads, where he joined the Constitution, Captain Hull. Thence, in expectation that an affair would occur between a British frigate and the President, he went on board the latter vessel, which was short in her complement of lieutenants. This expectation was founded on the irritation then subsisting, on account of that disgraceful event which is known by the appellation of the affair of the Chesapeake. The President sailed soon after, but met with no British frigate. This vessel being laid up for the winter at New London, Mr. Biddle made a voyage to Lisbon, and on his return carried out despatches to our minister at Paris, where he remained nearly four months.

Mr. Biddle returned to Philadelphia, and used various other efforts to obtain active service, but though government was aware of his talents, and well disposed to grant his wishes, no opportunity occurred, until the arrival of the Wasp, Captain Jones, with despatches from our minister in France. She was deficient in the necessary number of officers, and an order was forwarded from the navy department for Mr. Biddle to join her as first lieutenant. The Wasp proceeded to sea the 13th of October, 1812, and six days after fell in with six sail of British merchantmen, four of them mounting from sixteen to eighteen guns, and carrying from forty to fifty men each. It was immediately determined to attack the sloop of war under whose convoy they were.

On taking possession of the Frolic, Captain Jones placed her under the orders of Lieutenant Biddle, who was directed to rig jury masts, in the room of her main and fore-masts, that had gone over very soon after the action, and

to make the best of his way to a southern port of the United States. Before they separated, however, they had the misfortune to fall in with the *Poictiers* of seventy-four guns, and as the situation of both vessels precluded every hope of escape or resistance, both were surrendered. The Captain and officers were carried to Bermuda, released on their parole after a short detention, and returned in safety to the United States.

On his being exchanged, Lieutenant Biddle was promoted to the rank of Master-Commandant in the navy, and assumed the command of all the gun-boats that were stationed in the Delaware. He afterwards succeeded Captain Lawrence in the command of the *Hornet*, which vessel was at first intended to join the *Chesapeake* in a cruise against the British trade to the Canadas. On the capture of that ever unlucky vessel, whose destiny outweighed even the valour and the fortunes of a Lawrence, Captain Biddle, pursuant to subsequent orders, joined the squadron under Commodore Decatur, which was blockaded in the harbour of New London, by a superior force of the enemy, until the conclusion of the war.

The squadron to which Captain Biddle belonged, remained in the harbour of New London, in the hope of getting out to sea during the season of heavy gales; but when this had passed away without affording any opportunity, the two frigates were moored as high up the river as possible, and dismantled; Commodore Decatur and his crew being transferred to the frigate *President*. When this arrangement had taken place, and the season favourable for the enemy to make an attack on those vessels, if they had such an intention, had passed away, Captain Biddle, for the second time, applied for and obtained permission to attempt his escape in the *Hornet*. He succeeded in evading the British squadron, and joined a force at New York, intended to cruise under Commodore Decatur in the East Indies. That officer went to sea in the *President*, on the 14th of January, 1815, leaving the sloops of war *Peacock*, *Captain Warrington*, and *Hornet*, to convoy the store ship, which was not in readiness to accompany them at that time. They did not sail until the 23d of

January, and separated a few days afterwards, in consequence of the *Hornet* chasing a vessel, which, on being overhauled, proved to be a Portuguese. From this they proceeded singly for their first rendezvous, which was the Island of Tristan d'Acunha.

On the morning of the 23d of March, at the moment the *Hornet* was preparing to anchor off that island, a sail hove in sight, steering to the northward, with a fine breeze, and disappeared in a few minutes behind a projecting point of land. The *Hornet* immediately made sail, and on clearing the point, discovered the same vessel, bearing down before the wind, when Captain Biddle shortened sail, and hove to for her to come up with him. When the stranger came near, he began also to shorten sail, and took in his steering sails very clumsily for the purpose of practising a deception, as it afterwards appeared. He also came down stern on, in order, as the officers afterwards acknowledged, that the *Hornet* should not see her broadside and attempt to escape. The engagement cannot be better described than in the words of Captain Biddle's official letter.

"At 1h. 40m. P. M., being nearly within musket shot distance, she hauled her wind on the starboard tack, hoisted English colours, and fired a gun. We immediately luffed to, hoisted our ensign, and gave the enemy a broadside. The action being thus commenced, a quick and well directed fire was kept up from this ship, the enemy gradually shifting nearer to us, when at 1h. 55m. he bore up apparently to run us on board. As soon as I perceived that he would certainly fall on board, I called the boarders, so as to be ready to repel any attempt to board us. At the instant every officer and man repaired to the quarter-deck, where the two vessels were coming in contact, and eagerly pressed me to permit them to board the enemy. But this I would not permit, as it was evident from the commencement of the action, that our fire was greatly superior, both in quickness and effect. The enemy's bowsprit came in between our main and mizen rigging, on the starboard side, which afforded him an opportunity of boarding us if such had been his design, but no attempt was made. There was a considerable swell on, and as

the sea lifted us ahead, the enemy's bowsprit carried away our mizen shrouds, stern davits, and spanker-boom; and he hung upon our larboard quarter. At this moment an officer, who was afterwards recognised to be Mr. M'Donald, the first lieutenant, and the then commanding officer, called out that they had surrendered. I directed the marines and musketry-men to cease firing, and while on the taffrail asking if they had surrendered, I received a wound in the neck. The enemy just then got clear of us, and his foremast and bowsprit being both gone, and perceiving us wearing to give him a fresh broadside, he again called out that he had surrendered. It was with difficulty I could restrain my crew from firing into him again, as he had certainly fired into us after having surrendered. From the firing of the first gun, to the last time the enemy cried out he had surrendered, it was exactly twenty-two minutes by the watch. She proved to be his Britannic majesty's brig Penguin, mounting sixteen thirty-two pound carronades, two long twelves, and a twelve pound carronade on the top-gallant forecastle, with swivels on the capstan, and on the tops. She had a spare port forward so as to fight both her long guns of a side. She sailed from England in September last. She was shorter on deck than this ship by two feet, but had greater length of keel, greater breadth of beam, thicker sides, and higher bulwarks, than this ship, and was in all respects a remarkably fine vessel of her class. The enemy acknowledged a complement of one hundred and thirty-two, twelve of them supernumerary marines from the Medway, seventy-four, received on board in consequence of her being ordered to cruise for the American privateer Young Wasp. They acknowledged also a loss of fourteen killed and twenty-eight wounded; but Mr. Mayo, who was in charge of the prize, assures me that the number of killed was certainly greater." The Hornet had one killed and eleven wounded. Among the killed of the Penguin was Captain Dickinson, her commander, who is represented to have been a deserving and favourite officer. Not a single round shot struck the hull of the Hornet, but her sides were filled with grape, and her sails and rigging much cut. The

Penguin was so severely cut, had lost so many of her spars, and those remaining were so crippled, that it was determined not to attempt to send her in, and she was accordingly scuttled.

A few days after this action, Captain Biddle was joined by Captain Warrington, in the *Peacock*, accompanied by the ship *Tom Bowline*, and as the *Hornet* required but few repairs, she was soon again ready for service. Having waited the appointed time at *Tristan d'Acunha*, without being joined by the *President*, they converted the *Tom Bowline* into a cartel, despatched her to *St. Salvador* with the prisoners, and on the 12th of April, set sail for the *Cape of Good Hope*. On the 27th they saw a strange sail, to which they gave chase, but did not approach near enough to ascertain what she was until the afternoon of the next day, when the *Peacock*, being the headmost vessel, made signal that she was a ship of the line, and an enemy. On this the *Hornet* hauled upon a wind, and the enemy commenced a chase, which lasted nearly thirty-six hours, during which time he fired several times into the *Hornet*, at not more than a distance of three quarters of a mile. On this occasion, Captain Biddle displayed a degree of skill, perseverance, and fortitude, highly honourable to the character of our navy.

The loss of her guns, and various other articles of equipment, thrown overboard during this chase, rendered it necessary for the *Hornet* to return to some port; and as it would have been extremely hazardous to attempt going home under such circumstances, Captain Biddle determined to make for *St. Salvador*. His intention was to refit at that place, and continue his cruise; but on his arrival there, he learned the ratification of peace between the United States and Great Britain, and proceeded in consequence to *New York*, where he arrived on the 30th of July. During his absence, he had been promoted to the rank of post captain; and on his return, the citizens of *New York* gave him a public dinner, while those of *Philadelphia*, with their characteristic liberality, raised a subscription for a service of plate to be presented to him, in consideration of his public services and private worth. A court of inquiry

was held, at his desire, to investigate the cause of the return of the Hornet, as well as the circumstances which led to the loss of her armament, and Captain Biddle was acquitted, with merited compliments to his skill and persevering gallantry.

WINFIELD SCOTT.

VIRGINIA claims the honour of General Winfield Scott's birth. He was born in Dinwiddie county, near Petersburg, on the 13th of June, 1785. His classic pursuits were closed in William and Mary College. Having undergone the probationary studies of the law, he settled in Petersburg, and commenced its practice in 1806, after he had attained his 21st year. However he may have been flattered with the prospects of success, is immaterial. After the affair of the Chesapeake, in 1807, he applied and received a Captain's commission in the regiment of light artillery raised by Congress, upon the enlargement of the United States' army, after that event. At Richmond, late in the fall of 1808, Captain Scott received the pay of his men for the months of September and October, as appeared by the pay-roll of his company. Early in 1809, he embarked under Colonel Parker, from Norfolk, for New Orleans. After his arrival at his destination, he complained of the appointment of a Captain Banckhead over him. His General informed him of the proper mode of redress, for which the Captain was very thankful. In the incipency of the summer of the same year, he applied for, and obtained a furlough from General Wilkinson for sixty or ninety days, to return to Virginia, having declared that it was his intention to resign, his only motive for entering the army being the *spur of the occasion*, in consequence of the *Chesapeake* affair.

During this period, he was engaged with a Dr. Claude,

of Maryland, a Surgeon in the army, in an affair of a personal nature, and, however great he may have displayed personal courage amid the conflict of armies, he is said not to have manifested that cool intrepidity on this occasion so highly appreciated in the character of a knight-errant, in the days of ancient chivalry.

As soon as Colonel Parker had a knowledge of Captain Scott's furlough by report, he applied to General Wilkinson to know its truth. The General verified it. On this, Colonel Parker remarked to the General, that he hoped Captain Scott would settle with his men for their two month's pay prior to his departure. Captain Scott having debarked for Virginia on furlough, his command devolved on Lieutenant John H. T. Estis, to whom his company preferred a formal complaint at Terre-au-Bœuf, which, with accompanying documents, was delivered to General Wilkinson, in 1810. The letter of Lieutenant Estis is dated July 9, 1810. The certificate from the War Department, verifying the pay-roll as given in by Captain Scott, is dated June 28, 1810. A number of the non-commissioned officers, musicians, and privates of the Captain's command, made oath at Terre-au-Bœuf the 9th of July, 1809, that at no time had they ever receipted any roll for pay, or received any money due them from the United States, for their services during the months of September and October, 1808.

On his arrival at the seat of Government, the Captain obtained an extension of furlough, and did not rejoin his company until the last month of autumn, or the first of winter, following.

Dr. Upshaw, a surgeon in the army, had a difference with Captain Scott, prior to his departure to the Atlantic States, and a personal interview of parties was prevented by a sick-bed, which almost prostrated the Doctor at the threshold of a more direful opponent. However, the Doctor having recovered, after the return of Captain Scott, he, on a knowledge of the Captain's delinquency, preferred charges against him. A court of inquiry was held, which resulted in the call of a court martial. The court, after giving him a full hearing, in consequence of ample

testimony, found him guilty, in a qualified sense, and suspended him from command for twelve months. The consequence of this, was an affair of honour between Captain Scott and Dr. Upshaw. On this occasion, the Captain is said to have behaved as he did in a similar affair with Dr. Claude.

Though the charges were exhibited against Captain Scott, while General Wilkinson commanded on the New-Orleans station, yet the court was held, and the sentence made known, while General Hamilton was the superior officer.

Captain Scott next appeared on the public stage in the character of a Judge Advocate, on the trial of Colonel Cushing, in March, 1812. On this occasion he overacted his part in the persecution of that officer, who had grown gray in service. As Judge Advocate, he prepared an account of that trial, and gave it for publication in the *Analectic Magazine*, before it had received the sanction of superior power.

Captain Scott left New Orleans with General Hampton, in 1812, and having arrived at the seat of Government, was appointed a Lieutenant-Colonel of the second regiment of artillery, under Colonel Izard, over the heads of men who had been from twelve to fifteen years in service. The confirmation of this nomination in the Senate of the United States met with some opposition, and owed its success to Mr. Giles, a Senator from Virginia.

Early in the autumn, after his elevation, Colonel Scott repaired to the Niagara frontier of the United States, with two companies of his regiment, and took station at Black Rock. The first active service in which Colonel Scott was ever engaged with the enemies of his country, was a brush with the British, in consequence of the grounding of the *Adams* under the guns of the British batteries, after her capture from the enemy by Captain Elliot of the navy, assisted by Captain Towson of the United States' artillery, on the 9th of October. In the unsuccessful invasion of Canada on the Niagara frontier, under Major-General Van Rensselaer, Lieutenant-Colonel Scott was taken prisoner, with one hundred and thirty-nine of his re-

giment, when valiantly contending against a superior force on Queenston Heights, and was sent as such to Quebec. About a month after he embarked for Boston on parole, and was regularly exchanged in January, 1813. After his return to active service, he joined General Dearborn in the character of Adjutant-General of the Northern army.

Major-General Dearborn, with nearly five thousand men, now determined on attempting the reduction of the Peninsula on the opposite side of the straits. Of this, Fort George was the bulwark. The necessary arrangements having been completed, at one o'clock in the morning, May 27th, the whole army embarked on Lake Ontario, three miles east from Fort Niagara. It was arranged in six divisions of boats; the first contained the advance guard under Colonel Scott. This was followed by Colonel Porter with the field train, the brigades of Boyd, Winder and Chandler, and a reserve under Colonel Macomb.

Commodore Chauncey, with his squadron, favoured the descent, by the fire of his small schooners; and Captain Perry, then serving under Commodore Chauncey, volunteered to conduct the divisions. In the discharge of this duty, he was present at every point where he could be useful, under showers of musketry, and rendered very essential services to the advance guard, which he accompanied nearly to its point of attack.

At nine in the morning, Colonel Scott effected his landing, in good order, under a heavy fire of musketry and artillery, about a mile and a quarter from the village of Newark and the same distance west of the mouth of the Niagara. He formed his line on the beach of the lake, covered by a bank of twelve or fifteen feet in height, which served as a parapet against the enemy's fire. This bank was to be scaled against the bayonets of the enemy, who had now drawn up his forces, fifteen hundred strong, immediately on its brow. They were soon driven from their ground by a brisk and vigorous charge, but rallied, and took a second position behind a ravine, at a little distance. A short action ensued, which ended in the total rout of the enemy at every point. During the last five minutes, Boyd had landed in the rear of the advance guard, and a part of his

brigade participated in the action. Colonel Scott pursued the rout as far as the village, where he was joined by the 6th regiment, under Colonel Miller; thence the enemy was closely pressed at a distance of five miles up the river, until Scott was recalled from the pursuit by order of General Lewis. As the American troops approached towards Fort George, it was perceived that the garrison were in the act of abandoning the work. Two companies were instantly detached from the head of the pursuing column, to prevent this movement, and some prisoners were made. They were at the distance of about eighty paces from the fort, when one of its magazines blew up with a dreadful explosion. The front gate was instantly forced by the Americans; Scott was the first to enter, and took with his own hands the British flag, yet waving over the works. At the same time, Captains Hindsman and Stockton snatched away the matches which had been applied by the retreating garrison to three other magazines.

In these several affairs, the total loss of the American army, in killed and wounded, amounted to one hundred and twenty, of which, eighty-nine were of Colonel Scott's command; one hundred and seven of the enemy were killed at the point of ascent from the bank, and the whole number of prisoners was two hundred and sixty-four.

On being promoted to a regiment, Colonel Scott resigned the office of Adjutant-General, in July, 1813.

It had been determined, as all our readers well remember, to collect a large force at Sackett's Harbour, with a view to an enterprise against Kingston or Montreal, towards the close of the campaign. The force under General Wilkinson accordingly embarked at Fort George on the 2d of October, and proceeded down the lake. Colonel Scott was left in command of a garrison of some seven or eight hundred men, regulars and militia, for the defence of Fort George. The British army, in the mean while, remained inactive in the position which it had held for some time, at the distance of four miles from the fort, until October 9th, when General De Rottenburg suddenly broke up his encampment, and retreated to Burlington Heights, a dis-

tance of fifty-three miles, abandoning the whole Niagara frontier. During the seven days in which he was kept in suspense by the threatening aspect of De Rottenburg, Colonel Scott made the greatest exertions to strengthen his defences. The enemy, however, did not think it prudent to attack him.

Colonel Scott was accordingly relieved in the command of Fort George, by Brigadier-General M'Clure of the New-York militia, and marched his garrison towards Sackett's Harbour, to join the expedition under General Wilkinson, which was then preparing to descend the St. Lawrence. After a forced march of nineteen days, through rain and mud, during the whole of which time the sun was not visible for twelve hours, he learned upon his arrival in the neighbourhood of Sackett's Harbour, that the expedition had already taken its departure. He therefore left his column, and, by a forced effort of two days and one night, came up with the army, and joined it just above Ogdensburgh and Prescott. He was assigned to the command of a battalion in the *corps d'elite* under Colonel Macomb. In the subsequent descent of the St. Lawrence, he commanded the van of the army.

The termination of this campaign was the result of intrigue, and General Wilkinson, the Commander, became its victim; at the head of which were General Armstrong the Secretary at War, and Brigadier-General Hampton, who avoided the punishment of disobedience of orders by a timely resignation.

Colonel Scott spent a great part of the following winter at Albany. Early in March, 1814, he was promoted to the rank of Brigadier-General, and joined Major-General Brown there, on his route to the Niagara frontier, early in April. Soon after, General Brown was recalled to Sackett's Harbour, and the command, in consequence, devolved on Brigadier-General Scott, who immediately assembled the army, and established a camp of instruction at Buffalo. All the officers were drilled by the commanding General in person; these then instructed the rank and file; companies were then formed and subjected to the same process; next battalions, which were also instructed by Ge-

neral Scott in person, and finally the troops were carried through the evolutions of the brigade and the line with the same strict attention to science and method. The army became well organized, and the strictest routine and discipline were established throughout the whole.

In June, Major-General Brown returned to Buffalo with re-enforcements, and on the 3d of July the campaign opened. The Niagara was passed, and Fort Erie taken on the same day ; the fort was taken by a battalion of the first of Scott's brigade, under Major Jessup. Thence the American army moved towards Chippewa, the first brigade being ten hours in advance, and took a position a mile and a half above Chippewa, having a small stream immediately in front, beyond which lay an extensive plain ; its right rested on the Niagara, and left upon a wood. From this the British, Indians, and militia, annoyed the pickets, until Brigadier-General Porter, with his command of militia, volunteers, and friendly Indians, drove them back upon Chippewa, where he met the whole British column, in order of battle, advancing to the attack. General Porter's light troops soon gave way, in spite of his personal gallantry. The cloud of dust which arose, and the heavy firing, apprized General Brown of the approach of the main body of the British. It was now five o'clock in the afternoon, when Scott was advancing with his brigade to drill on the very ground on which the action had been fought. On the march, he met General Brown, who passed on to put the reserve in motion. When Scott's brigade arrived at the bridge over the stream, two hundred paces in front of the camp, the enemy was discovered already in order of battle on the plain, supported by a heavy battery, within point blank shot of the bridge. Under a heavy fire of artillery, General Scott passed the bridge with some loss, and formed his line ; the first and second battalions, under Majors Leavenworth and M'Neil, formed to the front, parallel to the enemy, and opposite to his left and centre : the 3d battalion, under Major Jessup, broke off to the left, and advanced to the front in column to attack the enemy's right wing, which rested on a wood. Towson's battery took a position on the right of our army, resting on the ri-

ver. General Scott soon perceived, that though there were no intervals in the British line, yet their right wing far outflanked his left. This caused the movement of Major Jessup; and to remedy the defect of inferior numbers, the interval was greatly enlarged between the other two battalions. All these movements were made under the galling fire of the enemy's musketry and artillery. The action then became general: Major Jessup, two hundred yards in front, engaged and broke off the enemy's right wing in the wood from his general line, which continued to advance in the plain. Brigadier-General Scott, who had advanced in line from his original position to meet the enemy, now halted for a moment. The success in the wood gave the enemy's line on the plain, which continued to advance, a new flank, and the enlarged interval between the battalions of Leavenworth and McNeil, enabled the General to throw the battalion of the latter forward on its right, so as to stand obliquely to the enemy's charge, and flanking him on the right. This movement, combined with the fire of Leavenworth's battalion and that of Towson's battery, decided the action on the plain in favour of inferior numbers; while, at the same time, the British right in the wood was completely routed by Major Jessup. At the distance of thirty paces, the whole line broke and retreated in confusion to his works behind the Chippewa.

This action was fought independent of the reserve under General Ripley, which made a *detour* by order of General Brown to the left, with a view of gaining the rear of the enemy, under cover of the wood. But the fate of the day was decided some time before the reserve could gain its position. Had the commanding General suffered the *detour* to have been made in due season, the victory would have been more complete. The relative force of the two armies actually engaged, was thus: Major-General Riall had in his front line one thousand seven hundred men, all regular troops, supported by the 8th regiment, four hundred and fifty strong. The 100th regiment, which was on the left of the British line, commanded by the Marquis of Tweedale, late aid-de-camp to Lord Wel-

lington, brought into action seven hundred men. He paraded the next day but two hundred and sixty-four. The other regiments engaged suffered proportionably.

General Porter's command was not engaged after their retreat ; the whole action was subsequently sustained by Scott's brigade ; which, including Towson's artillery, consisted of but one thousand three hundred men fit for duty ; one hundred and fifty were on the different guards and pickets, and not in the action : the American force, actually engaged, did not exceed one thousand two hundred men.

Two days after the action the army passed the Chippewa ; it lay at Queenston for two weeks, part of the time within gun shot of the forts at the mouth of the Niagara, then recrossed the Chippewa, and encamped at its mouth on the 24th of July.

On the 25th of July, Major-General Brown, unapprized of the arrival of Lieutenant-General Drummond's army from Kingston and Prescott, and his junction with Riall, received false information, that General Riall had detached a large body of troops across the Niagara to Lewistown, as was supposed, to seize or intercept the baggage and stores which were at Schlossher, and on the road thither. General Brown thought to divert the enemy from his object by recalling his attention to his own posts at the mouth of the Niagara. Brigadier-General Scott consequently was ordered to march rapidly against Queenston, and the order was promptly executed. The whole force under his immediate command consisted of four small battalions under Colonel Brady, and Majors Jessup, Leavenworth, and M'Neil, with Towson's company of artillery, in all nine hundred and twenty men ; the pickets and guards of the brigade being left behind, were not included. To these were added Harris's troop of light dragoons and some mounted volunteers, making an aggregate of one thousand and fifty men. With this force Brigadier-General Scott marched from the camp ; the enemy were soon discovered, and reported to Major-General Brown. At nearly three miles from the camp, and just in the vicinity of the cataract of Niagara, Scott learn-

ed that the enemy was in some force directly in front, a narrow piece of woodland alone intercepting them from his view. This proved to be the advanced corps of Drummond's army, then in march to attack the American army in its position at Chippewa. On a closer reconnoitre, this force was found to be drawn up on a ridge, running out at right angles from the Niagara. Notwithstanding their superiority of number, General Scott resolved on the attack. Waiting only to communicate this information to the commanding General, he advanced on them, and by the time the message was delivered, the action had commenced, and had already become close and general some time before the remainder of the division crossed the Chippewa.

The enemy had already one thousand five hundred men in line; the remainder of Drummond's army were on their march from Fort George, and arrived successively at intervals of fifteen and twenty minutes. Of the line in view, the left rested on the road, between which and the river was a space of two hundred paces in breadth, covered by woods. Major Jessup, sustained by Colonel Brady, was ordered to penetrate this wood, and turn the enemy's left wing. The action now opened in front, on the part of Scott's artillery and his two remaining battalions. The dragoons were not engaged on either side. The enemy, finding that he was far outflanked on his right, threw forward two battalions to take our army on the left. These were promptly beaten out of the field; at the same moment the action was desperately contested in front by Towson and Colonel Brady, while Jessup completely succeeded in turning the enemy's left, taking prisoner Major-General Riall, and several other officers on the rear, and then charged back through the enemy's line, cutting off a portion of that wing, and showing himself again to his own army in a blaze of fire. The action, which had commenced half an hour before sunset, had now lasted until about half after eight. The enemy's right wing had been beaten out of the field, his left turned and cut off; his centre alone remained firm, resting on a height considerably above the general elevation of the ridge, and supported

by nine pieces of artillery. But fresh battalions were joining the enemy every instant from below. Such was the state of the action when Major-General Brown arrived with the reserve, after the battle had thus raged for an hour and forty minutes. The remainder of the action, after General Brown had assumed the command, cannot be better related than in his own words. "Apprehending that Scott's brigade was much exhausted, and knowing that it had suffered severely, I determined to interpose a new line with the advancing troops, and thus disengage it and hold its brigade in reserve. Orders were accordingly given to General Ripley. The British artillery occupied a hill, advantageously, which was the key to the whole position. It was supported by a line of infantry. To secure the victory, it was necessary to carry the artillery, and seize the height. This duty was assigned to Colonel Miller, who advanced steadily to his object, and carried the height and the cannon. General Ripley brought up the 23d to his support, and the enemy disappeared. The enemy, rallying his forces, and, as is believed, having received reinforcements, now attempted to drive us from our position, and regain his artillery. Our line was unshaken, and the enemy repulsed. Two other attempts, having the same object, had the same issue. General Scott was again engaged in repelling the former of those; and the last I saw of him on the field of battle, he was near the head of his column, and giving to its march a direction that would have placed him on the enemy's right. Having been for some time wounded, and being a good deal exhausted by loss of blood, it became my wish to devolve the command on General Scott, and retire from the field: but on inquiring, I learned that he was disabled by wounds; I therefore kept my post, and had the satisfaction to see the enemy's last effort repulsed."

General Scott was finally disabled by a wound from a musket ball through his right shoulder, which he received about half past ten, just before the final close of the action. He had been wounded two hours before, in the left side, had lost two horses, killed under him, and his aid, Lieutenant Worth, and his Brigade-Major, Smith, had

both been wounded by his side. The total loss of his brigade was four hundred and ninety in killed and wounded, out of nine hundred and twenty, including more than thirty officers.

The conduct of General Scott in this battle, is said to have displayed more of bravery than of prudence; but of this we do not pretend to judge.

On the day in which this action took place, Brigadier-General Scott was appointed, by the President, a Major-General by brevet. His wounds were for some time exceedingly painful and dangerous, and obliged him to retire for a time from active service. As soon as he was convalescent, he was appointed to the command of the tenth military district, where he was stationed. Besides his military rank, he has received many testimonials of respect: among which are a vote of thanks, and a medal, from Congress; a sword presented by the citizens of his native place, Petersburg; a sword and vote of thanks from the Legislature of Virginia; and his name has been given to a new county of that state. In addition to these civil honours, he received a literary one from Princeton College, which was conferred in a very flattering manner.

He repaired to Baltimore, and assumed his command a short time after the enemy had retreated from that city. He was received with much distinction. General Smith, of the Maryland Militia, the hero of Mud Fort, in the revolutionary war, who commanded during the attack on that place, immediately resigned. It was thought by the inhabitants, that General Scott had not treated him, on his arrival, with that respect which delicacy and politeness required—at least such was the reason assigned at the time, for General Smith's resignation. After peace was restored on the reduction of the army, General Scott was retained in the service, over the heads of men who had grown gray in our army. Having obtained a furlough, he visited England and France, and on his return he was appointed to command, with his head-quarters at Philadelphia, and afterwards transferred to New-York, where he now resides. In 1832, he commanded the Northwestern army, during the war against the Sacs and Foxes,

but is the actual commander of what is termed the eastern division. He married a lady of one of the first families of Virginia, of which he is a native.

His present biographer is averse to every species of flattery, and can only speak of him from the materials laid before the public eye, as he is not intimately acquainted with his private history.

LEWIS WARRINGTON.

LEWIS WARRINGTON is a native of Virginia, and was partly educated at Williamsburg college.

When fifteen years old, he being appointed a midshipman in the United States' navy, joined the frigate Chesapeake, then lying at Norfolk, in February, 1800. In this ship he cruised on the West-India station till May, 1801, when she returned to the United States, and then went on board the frigate President, under Commodore Dale. This ship soon after sailed for the Mediterranean, where she remained until 1802, blockading Tripoli. The President, in May, 1802, returned to the United States, and Mr. Warrington then joined the frigate New-York, in which ship he once more sailed for the Mediterranean, and returned to this country in the Chesapeake frigate, in June, 1803. On his return, he was immediately ordered to the Vixen, then commanded by Captain Smith, late of the Franklin, seventy-four, deceased. In this vessel Warrington again sailed for the Mediterranean, in August, 1803, and remained in her during the attacks on the gunboats and batteries of Tripoli, in which the Vixen always took a part. In November, 1804, he was made acting Lieutenant, and in July the next year, went on board the brig Syren as junior Lieutenant. In March, 1806, he joined the Enterprise, as first Lieutenant, and in July, 1807, returned to the United States, after an absence of four years.

On Lieutenant Warrington's return to the United States, he was ordered to the command of a gun-boat on the Norfolk station, where Commodore Decatur commanded at that time.

He continued in the command of a gun-boat, until February, 1809, when he was again ordered to the *Syren* as first Lieutenant. On the return of this vessel from Europe, whither she went with despatches, he was ordered to the *Essex*, as her first Lieutenant, in September the same year. In this ship he cruised on the American coast, and again carried out despatches for government, returning in August, 1812. He was then ordered to the frigate *Congress*, as her first Lieutenant, and sailed in her on the declaration of war, in company with the squadron under Commodore Rodgers, intended to intercept the British West-India fleet. The escape of this fleet was peculiarly fortunate to Great Britain, as Commodore Rodgers passed and repassed them with his squadron repeatedly; but for thirteen or fourteen days, with very little intermission, the fog was so thick that his vessels could not distinguish each other at the distance of a quarter of a mile. Lieutenant Warrington continued in the *Congress* till March, 1813, when he became first lieutenant of the frigate *United States*, where he remained till his promotion to the rank of Master-commandant, soon after which he took the command of the *Peacock* sloop of war.

While cruising in the *Peacock*, in latitude $27^{\circ} 47'$, he fell in with the British brig of war *Epervier*, with which he engaged. The result of the action is thus communicated in his official letter to the Secretary of the Navy:

"At sea, April 29th, 1814.

"SIR,

"I have the honour to inform you that we have this morning captured, after an action of forty-two minutes, his Britannic majesty's brig *Epervier*, rating and mounting eighteen thirty-two pound carronades, with one hundred and twenty-eight men, of whom eleven were killed, and fifteen wounded, according to the best information we could obtain—among the latter is her first Lieutenant,

who has lost an arm, and received a severe splinter-wound in the hip. Not a man in the Peacock was killed, and only two wounded, neither dangerously. The fate of the Epervier would have been decided in much less time, but for the circumstance of our fore-yard having been totally disabled by two round shot in the starboard-quarter from her first broadside, which entirely deprived us of the use of our fore-topsails, and compelled us to keep the ship large throughout the remainder of the action.

"This, with a few topmast and topgallant backstays cut away, and a few shot through our sails, is the only injury the Peacock has sustained. Not a round shot touched our hull, and our masts and spars are as sound as ever. When the enemy struck, he had five feet water in his hold—his maintopmast was over the side—his main-boom shot away—his foremast cut nearly in two, and tottering—his fore-rigging and stays shot away—his bowsprit badly wounded, and forty-five shot holes in his hull, twenty of which were within a foot of his water-line, above and below. By great exertions we put her into sailing order just at night.

"In fifteen minutes after the enemy had struck, the Peacock was ready for another action, in every respect, but the fore-yard, which was sent down, fished, and we had the foresail set again within forty-five minutes—such was the spirit and activity of our gallant crew. The Epervier had under convoy an English hermaphrodite brig, a Russian, and a Spanish ship, which all hauled their wind and stood to the E. N. E. I had determined on pursuing the former, but found that it would not be prudent to leave our prize in her then crippled state, and the more particularly so, as we found she had on board one hundred and twenty thousand dollars in specie, which was soon transferred to this ship. Every officer, seaman, and marine, did his duty, which is the highest compliment I can pay them.

I am, &c.

L. WARRINGTON."

Captain Warrington brought his prize safely into port, and on his return received the usual honours, which it

had become customary to pay to men who conquered the enemy.

Early in the following year, he sailed from New-York in company with the *Hornet*, Captain Biddle, as part of a squadron under Commodore Decatur, in the *President*, which was intended to cruise in the Indian seas. The *President* had sailed shortly before, after appointing a rendezvous, and soon after was met by a British squadron, to which he was finally obliged to surrender, after having beaten the *Endymion*, their headmost ship. The *Peacock* and *Hornet* separated in chasing, and did not meet until they arrived at Tristan d'Acunha, the appointed rendezvous. Thence they proceeded to their ultimate destination, but were again separated in consequence of falling in with a British line of battle ship, and never afterwards joined. The *Hornet* was obliged to throw over her guns to escape from the enemy, which rendered it necessary to return to port; but the *Peacock* gained the straits of Sunda, where she captured four vessels, one of them a brig of fourteen guns, in the East-India company's service. From this vessel Captain Warrington received satisfactory assurances of the ratification of peace between the United States and England, and in consequence made the best of his way to this country, where he arrived the beginning of November, 1815, after an absence of almost a year. The *Peacock* was the first ship of war belonging to the United States that ever cruised in the straits of Sunda, in no part of which is a friendly port, where she could calculate on receiving any supplies whatever. After Captain Warrington took command of that ship, she captured nineteen vessels, three of which were given up to prisoners, and sixteen destroyed.

The last we learn of Captain Warrington, is that he was in the squadron under Commodore Porter, on the West India station, and that to him was left the command of the expedition for the suppression of piracy, when his superior was arrested and returned to the United States for trial.

GEORGE CROGHAN.

THIS gentleman was born at Locust Grove, near the falls of Ohio, on the 15th of November, 1791. His father, Major William Croghan, left Ireland at an early period, was appointed an officer in our Revolutionary army, and discharged his duties as such, to the satisfaction of the Commander-in-Chief. His mother is the daughter of John Clark, Esq. of Virginia, a gentleman of worth and respectability, who exerted himself greatly, and contributed largely towards the support of the Revolutionary contest. He had five sons; four of whom were officers in the Revolutionary army. General William Clark, who, together with Captain Lewis, explored, and is at present the Governor of Louisiana, was too young to participate with his brothers in the achievement of that event. The military talents of George R. Clark, have obtained from him the flattering appellation of "the father of the western country."

Colonel Croghan has always been esteemed generous and humane; and, when a boy, his manly appearance, and independence of sentiment and action, commanded the attention and admiration of all who knew him.

While in Kentucky, his time was principally occupied by the study of his native tongue, geography, the elements of geometry, and the Latin and Greek languages. In these different branches of literature he made a respectable progress.

In the year 1808, he left Locust Grove, for the purpose of prosecuting his studies in the University of William and Mary. In this institution he graduated as A. B. on the 4th of July, 1810; and delivered, on the day of his graduation, an oration on the subject of expatriation. This oration was deemed by the audience, concise, ingenious, and argumentative, and was pronounced in a man-

ner, which did great credit to his oratorical powers. The ensuing summer he attended a course of lectures on law, and on the termination of the course, returned to his father's, where he prosecuted the study of the same profession, and occasionally indulged himself in miscellaneous reading. Biography and history have always occupied much of his attention. He is, as his countenance indicates, rather of a serious cast of mind; but no one admires more a pleasant anecdote, or an unaffected sally of wit. With his friends he is affable and free from reserve—his manners are prepossessing; he dislikes ostentation, and was never heard to utter a word in praise of himself.

In the autumn of 1811, was fought the battle of Tippecanoe. This was the first opportunity that offered for the display of his military talents. He embraced it with avidity; he left his father's house in the character of a volunteer, and was appointed Aid to General Harrison. On the 7th of November, an attack was made on the troops under the command of that officer; the enemy were repulsed with valour; and during the engagement young Croghan evinced the greatest courage, activity, and military skill. His services were acknowledged by all; and he exhibited such proofs of a genius for war, that many of his companions in arms remarked, that "he was born a soldier." A cant saying among the troops of Tippecanoe, was "to do a main business," and during the battle, he would ride from post to post, exciting the courage of the men by exclaiming, "Now my brave fellows, now is the time to do a main business." On the return of the troops from Tippecanoe, they were frequently met by persons coming to ascertain the fate of their children or friends. Among the number of these, was a very poor and aged man, whose son was slain in the battle. Croghan, having ascertained the situation of the old man, and observing his inability to perform much bodily labour, regularly made his fires for him every morning, and supplied him with provisions, clothes, and money. Many acts of this sort are related of him by the soldiers and officers of Tippecanoe.

After the battle of Tippecanoe, and on the prospect of a

speedy declaration of war against Great Britain, he expressed a desire to join the army. Recommendatory letters of the most flattering description, were written by Generals Harrison and Boyd to the Secretary of War, and on the commencement of hostilities, he was appointed Captain in the 17th regiment of infantry. He was stationed some time at Clark cantonment, near the falls of Ohio; but had not been long in command there, when he was ordered to march, with what regulars he had, to the head-quarters of the North-western army, then at Detroit. Before they had proceeded far they heard of Hull's surrender. Shortly after this fatal event, Governor Harrison, who had received a Major-General's commission in the regular army, was appointed to command the United States' forces on the North-western frontier.

Captain Croghan commanded, a short time, Fort Defiance, on the Miami of the Lakes; but after the defeat of General Winchester, he was ordered to Fort Meigs, on which the enemy designed an attack. Here General Harrison commanded in person. Every disposition, both for attack and defence, was made by the conflicting parties. The siege began on the 28th of April, and on the 9th of May following, the besiegers commenced their retreat, covered with disgrace. Here Croghan particularly signaled himself with his corps, by several handsome and brilliant charges on the enemy. For his conduct on this occasion, he received the particular notice of the commanding General; and was shortly afterwards advanced to a majority, and was stationed with his battalion at Upper Sandusky. From this he was ordered to Fort Stephenson, twenty miles above the mouth of Sandusky river, with orders from General Harrison to destroy the stores, and abandon the fort, if the enemy made his appearance. Learning that the enemy designed to attack him, he disobeyed his orders, and immortalized his fame. He laboured day and night to place the fort in a state of defence.

The necessity of cutting a ditch round the fort, immediately presented itself to him.—This was done—but in order to render the enemy's plans abortive, should they

even succeed in leaping the ditch, which was nine feet wide, and six deep, he had large logs placed on the top of the fort, and so adjusted that an inconsiderable weight would cause them to fall from their position, and crush to death all who might be situated below.

A short time before the action, he wrote the following concise and impressive letter to a friend. "The enemy is not far distant: I expect an attack—I will defend this post to the last extremity. I have just sent away the women and children, that I may be able to act without encumbrance. Be satisfied: I hope to do my duty. The example set me by my revolutionary kindred is before me—let me die rather than prove unworthy of their name."

On the first of August, General Proctor made his appearance before the fort. His troops consisted of five hundred regulars, and about seven hundred Indians of the most ferocious tribes. But one hundred and thirty-three effective men were in the garrison, and the works covered an acre of ground. The pickets were about ten feet high, surrounded by a ditch, with a block-house at each angle of the fort, one of which contained a six-pounder. This was the exact state of the post at the time the enemy appeared. The first movement made by the enemy, was to make such a disposition of his forces, as to prevent the escape of the garrison, if they should be disposed to attempt it. He then sent Colonel Elliot with a flag, to demand the surrender of the fort. He was met by Ensign Shipp. The British officer observed that General Proctor had a number of cannon, a large body of regular troops, and so many Indians, whom it was impossible to control, that if the fort was taken, as it must be, the whole of the garrison would be massacred. Shipp answered, that it was the determination of Major Croghan, his officers, and men, to defend the garrison, or be buried in it, and that they might do their best. Colonel Elliot addressed Mr. Shipp again—"You are a fine young man, I pity your situation; for God's sake surrender, and prevent the dreadful slaughter which must follow resistance." Shipp turned from him with indignation, and was immediately taken hold of by an Indian, who attempted to wrest his sword

from him. Major Croghan, observing what passed, called to Shipp to come into the fort, which was instantly obeyed, and the action commenced. The firing began from the gun-boats in the rear, and was kept up during the night.

At an early hour the next morning, three six-pounders, which had been planted during the night, within two hundred and fifty yards of the pickets, began to play on the fort, but with little effect. About four, P. M. all the enemy's guns were concentrated against the north-western angle of the fort, for the purpose of making a breach. To counteract the effect of their fire, Major Croghan caused that point to be strengthened by means of bags of flour, sand, and other materials, in such a manner that the picketing sustained little or no injury. But the enemy, supposing that their fire had sufficiently shattered the pickets, advanced, to the number of five hundred, to storm the place, at the same time making two feints on different points.

The column which advanced against the north-western angle, was so completely enveloped in smoke, as not to be discovered until it had approached within eighteen or twenty paces of the lines, but the men being all at their posts, and ready to receive it, commenced so heavy and galling a fire as to throw the column into confusion; but being quickly rallied, Lieutenant-Colonel Short, the leader of the column, exclaimed, "come on my brave fellows, we will give these d—d yankee rascals no quarters," and immediately leapt into the ditch, followed by his troops; as soon as the ditch was entirely filled by the assailants, Major Croghan ordered the six-pounder, which had been masked in the block-house, to be fired. It had been loaded with a double charge of musket balls and slugs. This place completely raked the ditch from end to end. The first fire levelled one half in death; the second or third either killed or wounded every one, except eleven, who were covered by the dead bodies. At the same time, the fire of small arms was so incessant and destructive, that it was in vain the British officers exerted themselves to lead on the balance of the column; it retired in disorder under a shower of shot, and sought safety in an adjoining

wood. The loss of the enemy in killed was about one hundred and fifty, besides a considerable number of their allies. The Americans had but one killed, and seven slightly wounded. Early in the morning of the third, the enemy retreated down the river, after having abandoned considerable baggage.

The garrison was composed of regulars, all Kentuckians; a finer company of men was not to be found in the United States, perhaps not in the world. They were as humane as courageous. This is proved by their unceasing attention to the wounded enemy after their discomfiture; during the night they kindly received into the fort, through the fatal port-hole of the block-house, all those who were able to crawl to it; to those unable to move, they threw canteens filled with water. They even parted with their clothes to alleviate the sufferings of the wounded.

Notwithstanding his disobedience of orders, for the successful defence of this post, Major Croghan was raised to the rank of Lieutenant-Colonel.

In the beginning of July, an expedition for the recapturing of Michilimackinac, was intrusted to his command. This was fitted out from Detroit.

On the 20th of July, the troops were landed at St. Joseph's; and the fort, which had been evacuated, set on fire. Major Holmes was then ordered to the Sault St. Mary's, for the purpose of breaking up the enemy's establishment at that place. He arrived the day after; but the North-west agent had received notice of his approach, and succeeded in escaping with a considerable amount of goods, after setting fire to a vessel above the falls; the design of this latter measure was frustrated. The vessel was brought down the falls on the 25th, but having bilged, was destroyed. Considerable property belonging to the enemy was taken.

On the 4th of August, a landing of the troops under Croghan and Morgan was effected, at Mackinac; but the strength of the enemy's works rendered it impossible to carry the place by storm, with a small number of troops; and, after a severe conflict, a retreat became indispensable, and was accordingly effected.

Though this expedition proved unsuccessful in its issue, its failure was not ascribable to any misconduct on the part of the commanding officer. Every thing was done that vigilance, bravery, and perseverance could achieve.

The American loss was thirteen killed, fifty-one wounded, and two missing—loss of the enemy not known.

After this affair, Colonel Croghan determined to remain on Lake Huron for a time, with three companies, for the purpose of breaking up any depots which the enemy might have on the east side of the lake.

He learnt that the only line of communication from York to Mackinac, was by the way of Lake Simcoe and Nautawasaga river, which empties into Lake Huron about one hundred miles s. e. of Cabot's Head.

On the 13th of August, the fleet anchored off the mouth of that river, and the troops were quickly disembarked on the peninsula formed between the river and lake, for the purpose of fixing a camp.

On reconnoitering the position thus taken, it was discovered that the enemy's schooner Nancy was drawn up in the river a few hundred yards above, under cover of a block-house, erected on a commanding situation on the opposite shore.

On the following morning, a fire for a few minutes was kept up by the shipping on the block-house, but with little effect. At twelve o'clock, two howitzers being placed within a few hundred yards, commenced a fire, which lasted but a few minutes, when the block-house blew up; at the same time, fire was communicated to the Nancy, by the bursting of one of our shells, which was so quickly enveloped in flames as to render any attempts which might have been made to save her, unavailing, giving the enemy barely time to make his escape, before an explosion took place.

The loss of the Nancy was severely felt by the enemy; her cargo consisting, at the time of her being on fire, of several hundred barrels of provisions, intended as a six months supply for the garrison at Mackinac.

Colonel Croghan afterwards returned to Detroit.

Colonel Croghan continued in active service during the remainder of the war, and some time after the reduction

of the army he resigned his commission. In May, 1817, he was married to a daughter of John R. Livingston, Esq., at New York.

Colonel Croghan is now Inspector-General of the army, and resides at the seat of government.

HENRY DEARBORN

Is a descendant from one of the first settlers of New Hampshire, who emigrated from Devonshire county, in England.

He received a medical education under the instruction of Dr. Hall Jackson, of Portsmouth, who was a distinguished surgeon in the revolutionary army, and justly celebrated as one of the most able physicians which New England has produced. Dearborn was settled in the practice of physic at Nottingham-Square, in New Hampshire, three years previous to the commencement of the *revolutionary war*, where, with several gentlemen of the neighbourhood, he employed his leisure hours in military exercises; being convinced that the time was rapidly approaching, when the liberties of his country must either be shamefully surrendered, or boldly defended at the point of the sword.

This band of associates determined to be prepared for the worst, and equipped themselves for the last resort of freemen.

On the morning of the 20th of April, 1775, notice by an express was received of the affair of the preceding day at Lexington. He assembled with about sixty of the inhabitants of the town, and made a rapid movement for Cambridge, where they arrived the next morning at sunrise—having marched a distance of fifty-five miles in less than twenty-four hours. After remaining several days, and no immediate occasion requiring their services they

returned. It being determined that a number of regiments should be immediately raised for the common defence, Dearborn was appointed captain in the first New Hampshire regiment, under the command of Colonel John Stark. Such was his popularity, and the confidence of the people in his bravery and conduct, that within ten days from the time he received his commission, he enlisted a full company, and joined the regiment at Medford, on the fifteenth of May. Previous to the battle of Bunker Hill, he was engaged in a skirmish on Hog Island, whither he had been sent to prevent the cattle and other stock from being carried off by the British, and soon after took a part in an action with an armed vessel near Winnesimet ferry.

On the morning of the glorious 17th of June, information was received that the British were preparing to come out from Boston, and storm the works which had been thrown up on Breed's Hill the previous night by the Americans. The regiment to which he was attached was immediately paraded, and marched from Mystic to Charlestown Neck.

Dearborn's company composed the flank guards of the regiment. They crossed the neck under a galling fire from the British men of war, and the floating batteries, and having sustained some loss, arrived at Bunker's heights. The enemy were landing on the shore opposite to Copp's hill, when Stark advanced and formed his regiment on the declivity of Breed's hill, in rear of a rail-fence which ran from the redoubt, commanded by the gallant Colonel Prescott, to Mystic river. The action soon commenced, and the Americans stood their ground until their ammunition was entirely expended. Dearborn was posted on the right of the regiment, and being armed with a fusee, fired regularly with his men.

In September he volunteered his services to join the expedition of Arnold up Kennebec river, and through the wilderness to Quebec. He was permitted to select a company from the New Hampshire regiment for this arduous service. Thirty-two days were employed in traversing the hideous wilderness between the settlements on the Kennebec and the Chaudiere river, during November and December, in which every hardship and fatigue of which

human nature is capable, was endured indiscriminately, by the officers and troops, and a large portion of them starved to death. On the highlands between the Kennebec and St. Lawrence, the remnant of provisions was divided among the companies, who were directed to make the best of their way in separate divisions to the settlements on the Chaudiere. The last fragment of food in most of the companies was soon consumed, and Dearborn was reduced to the extremity of dividing his *favourite dog* among his suffering men. When they reached the Chaudiere, from colds, extreme hardships, and want of sustenance, his strength failed him, and he was unable to walk even a short distance, without wading into the water to invigorate and stimulate his limbs. With great difficulty he reached a poor hut on the Chaudiere, when he told his men he could accompany them no farther, and animated them forward to a glorious discharge of their duty. His company left him with tears in their eyes, expecting to see him no more. Dearborn was here seized with a violent fever, during which his life was in jeopardy for ten days; without medicine, and with scarcely the common necessities of life. His fine constitution at last surmounted the disease, and so soon as he was able to travel, he proceeded to Point Levi in a sleigh—crossed over to Wolfe's Cove, and made his unexpected appearance at the head of his company, a few days before the assault on Quebec. At four o'clock in the morning, on the thirty-first day of December, 1775, in a severe snow storm, and in a climate that vies with Norway in tempests and intense cold, the attack was commenced. Dearborn was attached to the corps under General Arnold, who was wounded early in the action, and carried from the field. Lieutenant Colonel Green succeeded to the command. They stormed the first barrier, and entered the lower town. Montgomery had already bled on immortal ground, and his division having made a precipitate and most shameful retreat, as soon as their general fell, the corps under General Green was exposed to a sanguinary, but unavailing contest.

From the windows of the houses, which being constructed of stone, each was a castle. and from the tops of

the parapets, a destructive fire was poured on the assailants, which threatened inevitable destruction to every one who should appear in the streets. The American troops maintained this desperate warfare, until at last they were reduced to the necessity of surrendering in small parties.

The whole corps led on by General Arnold were killed or made prisoners of war. The officers were put into rigid confinement, and every day were tauntingly told, that in the spring they would be sent to England, and hanged as rebels.

In May, 1776, Majors Meigs and Dearborn were permitted to return on their parole. They were sent round to Halifax in the frigate *Niger*, and treated with the usual contumely and hauteur of English officers. On their arrival at Halifax, they were put on board another ship of war, and the commander instructed by General Howe, to land them in some port in New England. After the ship had cruised with them on board for upwards of thirty days, during which period they met with the grossest insults, they were put on shore in Penobscot bay, from whence they proceeded to Portland by land.

In the fore part of the following March, Dearborn was exchanged, and appointed a major to the third New Hampshire regiment, commanded by Colonel Alexander Scammel, and early in May arrived with the regiment at Ticonderoga.

On the 6th of July, the post of Ticonderoga was abandoned on the approach of General Burgoyne's army. General St. Clair retreated with the main body of the troops, by land, through Vermont to Hudson river, near Saratoga, and soon after continued to retreat until the army had crossed the Mohawk river, near its junction with the Hudson, where considerable re-enforcements were met, and General Gates assumed the command of the northern army.

Soon after the capture of the British detachment under Baum at Bennington, by General Stark, and the retreat of General St. Leger from Fort Stanwix, General Gates advanced to meet the enemy, who was encamped near Saratoga. When the army arrived at Stillwater, a corps

of light infantry was formed, by detachments from the line, consisting of five full companies, and the command given to Major Dearborn, with orders from General Gates to act in concert with Colonel Morgan's regiment of riflemen, which had joined the army a few days previous. A strong position was selected, called Bemis' Heights, and immediately occupied by the American army. The riflemen and Dearborn's corps of light infantry, encamped in advance of the left of the main line. The British army had advanced from Saratoga, and encamped on the bank of the river, within three miles of General Gates' position.

On the morning of the 19th of September, the advanced pickets announced that the right wing of the British army was in motion, when Morgan and Dearborn, who commanded separate corps, received orders from General Arnold to make a forward movement, to check the approaching column. These orders were promptly obeyed, and the advanced guard, consisting of Tories and other irregulars, was soon met and attacked with spirit, in which conflict they killed and wounded a considerable number of the enemy, and made twenty-two prisoners. The action soon after became general, and continued until the dusk of the evening, on the same ground on which it commenced; neither party having retreated more than twenty or thirty rods, and that alternately, so that the dead of both armies were mingled together.

Dearborn, with his light corps, covered the left of the main line, while Morgan covered the right. The loss was severe on both sides, and especially in the New Hampshire line. Lieutenant-Colonels Adams and Colburn being killed, Dearborn was promoted to be a lieutenant-colonel, and was at that time in the twenty-seventh year of his age. As his light corps was constantly employed in reconnoitring, frequent actions occurred between the pickets and advanced parties of the enemy.

In the campaign of 1778, Dearborn served with the main army, and in the battle of Monmouth, the spirited conduct of Cilley's detached regiment, of which Dearborn was lieutenant-colonel, attracted particularly the attention of the commander-in-chief.

After Lee had made a precipitate and unexpected retreat, Washington, among other measures which he took to check the advance of the British, ordered Cilley's regiment to attack a body of troops which was passing through an orchard on the right wing of the enemy.

The regiment advanced under a heavy fire, with a rapid step and shouldered arms. The enemy filed off and formed on the edge of a morass. The Americans wheeled to the right, received their second fire, with shouldered arms, marched up within eight rods, dressed, gave a full fire, and charged bayonet. The British having sustained considerable loss, fled with precipitation across the morass, where they were protected by the main body of the enemy.

Colonel Dearborn was then despatched to the Commander-in-chief, to ask what further service was required; when he approached, Washington inquired, with evident pleasure at their gallant conduct, "*What troops are those?*" "Full-blooded Yankees from New-Hampshire, Sir," replied Dearborn. Washington expressed his approbation in explicit terms, and directed that they should fall back and refresh themselves, as the heat was very oppressive, and the troops much fatigued.

In the general orders of the next day, Washington bestowed the highest commendation on the brilliant exploit of the regiment.

In 1779, Dearborn accompanied General Sullivan in his expedition against the Indians, and had an active share in the action of the 29th of August with the united forces of Tories and Indians at Newtown. During the campaign of 1780, he was with the main army in New Jersey.

In 1781, he was appointed Deputy Quarter-Master General, with the rank of Colonel, and served in that capacity with Washington's army in Virginia. He was at the siege of Yorktown, and the capture of Lord Cornwallis and his army. Colonel Scammel being killed during the siege, Dearborn succeeded to the command of the first New Hampshire regiment, and was ordered to the frontier garrison at Saratoga during the campaign of 1782. In November he joined the army at Newburgh.

After the American Independence was secured, and ac-

known by the King of Great Britain, Colonel Dearborn, with his companions in arms, who had survived the fatigues, hardships, and dangers of the war, returned to the pursuits of private life.

In June, 1784, he removed from New Hampshire to Kennebeck, in Maine. In 1787, he was elected Brigadier-General of the militia, and soon after appointed a Major-General. President Washington appointed him Marshal for the Maine District in the year 1789. He was twice elected to represent Kennebeck in the Congress of the United States.

On the accession of Mr. Jefferson to the Presidency, he was appointed Secretary of War, and continued in that office until March, 1809, when he resigned, and was appointed Collector for Boston, and in February, 1812, he received a commission as senior Major-General in the army of the United States.

The shameful surrender of General Hull at Detroit, and subsequent unfortunate transactions on the Niagara at Queenston Heights, frustrated the plans of the campaign of 1812. Notwithstanding these severe checks, General Dearborn did not relax in activity; for so soon as he had ordered his army into winter-quarters at Plattsburgh and Burlington, he was unremittingly employed in recruiting the army, and making preparations for opening the campaign early in the following spring.

Previous to the General's departure from Albany, in February, 1813, he had ordered Generals Lewis and Boyd to the Niagara frontier, directing the former to prepare boats and scows, erect batteries, and make every necessary arrangement for an attack and descent on Fort George. General Dearborn, after giving these orders, repaired to Utica and Whitestown, there made arrangements for the transportation of troops down the Oswego to Sackett's Harbour, and gave the necessary directions relative to all the military stores for the ensuing campaign. These accomplished, he proceeded to Sackett's Harbour, agreeably to a plan of operations which had been submitted to the consideration of the Secretary of War, and which was left to the discretion of Major-General Dearborn to carry into effect.

The projected plan was to capture and destroy Little York; this would give Commodore Chauncey the command of the lake, render it impossible to furnish their troops and Indians with stores, and cut off all communications between Kingston and Malden.

The plan was disclosed at the Harbour, to Commodore Chauncey and General Pike only. General Lewis, then at the Niagara, was also advised of the movement, and ordered to be in readiness for an immediate attack on Fort George. After the capture of York, the troops were to be transported to Niagara, and make an *instant* attack on Fort George. This being effected, the army was to have been transported back to Sackett's Harbour; whence, with an additional number of troops collecting by previous orders, they were to make an attack on Kingston in its rear; while the fleet would batter the town, fortifications, and the fleet in front.

With this system of operations in view, General Dearborn sailed with sixteen hundred men, as soon as the ice permitted the fleet to leave the harbour. York was taken on the 27th of April, with all the stores of the British army; a ship of thirty guns burnt, and the Duke of Gloucester, of fourteen guns, made a prize. The Earl of Moira had previously sailed for Kingston.

On the success of the first part of the expedition, General Dearborn sent an express to inform General Lewis what he had done, and to notify him of his intended arrival with the army at Fort Niagara, at which post the General arrived a few days afterwards; when he learnt that General Lewis was at Judge Porter's, opposite to Niagara falls, fourteen miles from his troops. On further inquiry, to the disappointment and mortification of General Dearborn, it was further learnt, that no step had been taken by General Lewis to prepare for the contemplated attack. The batteries were not even commenced; the boats necessary to make the descent were not furnished. General Dearborn had fostered a previous attachment for General Lewis, and out of respect to him, transmitted a letter to the Secretary of War, in which the violent storms were assigned as a public reason for the delay of the

movement, and postponement of the intended attack ; but lest improper advantage should be taken of this circumstance, to the prejudice of General Dearborn, which afterwards proved to be the case, another letter was transmitted, which particularly detailed the *real* causes of the delay.

The General thus circumstanced, knowing the enemy would be re-enforced before the boats to be built would be in readiness to convey the army, desired Commodore Chauncey to return to Sackett's Harbour, and in the interim bring up General Chandler's brigade. During this period five batteries were erected above Fort Niagara, and the boats which had been commenced were ordered to be finished with all expedition, and brought round to Four Mile Creek ; the last was effected under the fire of five of the enemy's batteries, without any loss.

Immediately on the return of the fleet with General Chandler's brigade, the General issued an order which never has been published, that on the next day the troops should breakfast at two o'clock, strike tents at three, and embark at four o'clock. The situation and position of the country had been previously obtained by spies, the place of landing designated, and the plan of attack delineated ; which was submitted to Generals Lewis, Chandler, Win-der, and Boyd, and met their full approbation.

Excessive fatigues, and frequent exposures to storms, had produced a violent fever, which ten days previous to the attack on Fort George confined General Dearborn to his bed. The morning after the general order was announced for the attack, General Lewis called on him, and said, it would be impossible for the army to be embarked. General Dearborn then having some suspicions of the *military* character and *energy* of General Lewis, replied, that the attack should be made as ordered ; that he was prepared, and no further delay would be allowed.

The morning of the attack General Dearborn was mounted on his horse, by assistance, before four o'clock, in opposition to the opinion of his physicians, and against the remonstrances of the officers of the staff. He rode to the place of embarkation ; saw all the troops on board the fleet and boats ; General Lewis who had the immediate

command, now *first made his appearance*, and expressed his great astonishment at the unexpected rapidity with which this movement had been made. This exertion had so exhausted General Dearborn, that he was taken from his horse, led to a boat, and conveyed on board the Madison. On his way to Four Mile Creek, Dr. Mann, Hospital Surgeon of the army, meeting General Dearborn, said to him, "I apprehend you do not intend to embark with the army." The General replied, "*I apprehend nothing, sir ; I go into battle, or perish in the attempt.*"

From the first dawn of day, and while the army was embarking, a most tremendous fire of hot shot and shells from Fort Niagara and the new erected batteries, was opened on Fort George, and continued until the block-houses, barracks, and stores, were enwrapped in flames, and the guns silenced.

General Dearborn, from his great exertions, added to his ill state of health, was unable to support himself more than fifteen or twenty minutes on his feet at a time ; but he was nevertheless frequently up, watching these interesting movements. The troops had all landed, when General Lewis, (*who ought to have preceded the reserve*,) still remained on board. His delay astonished General Dearborn, who, exercising his usual delicacy with him, merely suggested to him, whether he ought not to land, and then retired. Within twenty minutes, General Dearborn again came on deck, and finding General Lewis still on board, *ordered* him to land. The enemy had now fallen back between the village of Newark and Fort George. After General Lewis had landed, one hour and a half had passed away, and four thousand men, formed in order of battle, with a fine train of artillery, were seen standing still, while the enemy, not more than twelve hundred in number, was manœuvring for a retreat. At this moment, General Dearborn forgot his debility, and insisted on being carried on shore ; but by the strong solicitations of those about him, was persuaded to remain on board ; and in agony at the delay, sent his Deputy-Adjutant-General, Beebe, to General Lewis, with orders to move instantly, surround the enemy, and cut them up. General Lewis,

even after this order, waited an hour before Generals Boyd, Chandler, and Scott, with all their arguments, could induce him to advance, and then only to the south side of Newark, perhaps three-fourths of a mile from his first position, *where the line was again formed, and continued, until the enemy had retreated in the rear of Fort George,* and took the route to Queenston Heights. Colonel Scott, however, pursued the retreating, broken army, without orders, three miles, and would not desist in his pursuit, until four *aids-de-camp* of General Lewis had been despatched to order his return. Late in the day, the ship Madison moved up the Niagara river in front of Fort George, where General Dearborn was taken on shore and carried to his quarters, much exhausted. Meeting with General Lewis, he expressed his disapprobation of his conduct, and ordered him to put the army in pursuit of the enemy at five o'clock in the morning. Instead of which, he did not move until five o'clock in the afternoon. On his arrival at Queenston Heights, he learnt that the enemy had made a rapid movement towards the head of Lake Ontario, a few hours previous, by the Beaver Dam, and sent back a report to this effect.

On the morning of the 15th of July, the camp was in considerable agitation, in consequence of a report that General Dearborn had received orders to retire from the command of the army at Fort George. This report, on inquiry, was found to be well grounded; and General Boyd, and all the field officers, immediately assembled and addressed to the senior General warm and earnest solicitations for him to remain in command; to which he made a suitable reply.

At one o'clock, the officers repaired to head quarters, to take leave of their chief, who had directed their successful efforts in retrieving the honour of the American arms, and who had been present with them in scenes of privation and danger.

No general ever gave a *firmer countenance* to an army in the hour of danger than General Dearborn. Disdaining to court popularity, he had acquired the confidence of every officer, as fully appears by their unsolicited expressions of it.

As soon as he reached Utica, he sent a letter to the President of the United States, respecting his sudden dismissal.

Notwithstanding General Dearborn had requested not to be ordered on duty until his military conduct had been investigated by a competent military tribunal, a different course was pursued by the President.

General Dearborn thought it very extraordinary, that he should be called into service, before the subject of his removal from Fort George had been investigated.

Notwithstanding the unceasing efforts of General Dearborn to obtain a hearing, before a court of inquiry, that justice was not done him.

Extraordinary as General Dearborn might think the conduct of the general government towards him, it was in good keeping with Mr. Madison's administration, more particularly during the existence of hostilities. Favouritism was his besetting sin; and facts conclusively show, that dancing attendance at the capital during the winter, was a surer road to promotion, than many well fought battles.

But, whatever was the well earned fame of General Dearborn, which we readily grant, he most certainly was not always so very tenacious of the deserts of others. His attack on the fame, or more properly speaking, his detraction from the military character of General Putnam, was a gross libel on the noble dead. The article to which allusion is here made, was some years ago published in the Port Folio, and elicited the most able refutation from the surviving relatives of that unshrinking hero of Bunker's Hill. But we are disposed to "tread lightly on the ashes of the dead," and to admit what will hardly be disputed, that few, if any individuals, are free from shades of character, or weaknesses, which serve to tarnish the otherwise bright escutcheon of their fame.

Of the death of General Dearborn we speak only from imperfect recollection. He died in Massachusetts, some six or eight years ago, full of years and honours. All reasonable endeavours have been made to gain that information of the particulars of his obsequies, which, when obtained, are matters more of curiosity than of real service.

He lived, played his part on the great theatre of action, and departed.

ALEXANDER MACOMB.

THE subject of these memoirs was born at Detroit, in April, 1782. His birth place was then a military post, and his infancy was familiar with martial music and military parade. His father, Alexander Macomb, removed to New-York city, and was chosen a representative to the state legislature. During the late war with Great Britain, he furnished five sons for the service of his country. The education of our hero commenced at the academy in Newark, New Jersey, when he was but eight years old, under the care of Reverend Uzal Ogden, president of the institution, pastor of the Episcopal church, and Bishop elect for that diocese.

While under tuition at this institution, the French fever, as it was sometimes called, or that enthusiasm which was quickened and nourished by the French revolution, was the order of the day; and the distinguishing badge of party among our countrymen, young and old, was the French or English cockade. Nearly all political discussion, whether public or private, either through the press or from the pulpit, was marked by a predilection for the French or British party, in which all the national individuality of Americans seemed to be merged. The newspapers were full of these subjects, the French refugees thronged to our shores by thousands, the youth caught the infection, and our young hero was not disposed to resist the torrent.

It is hardly less philosophical than amusing, to trace the developments of greatness to their germ; to mark even the earliest indications of character; and notice those little incidents which often, perhaps, have a controlling, though unsuspected agency, in forming the

plastic mind of youth, that, subsequently, in the maturity of its strength and in the vigour of manhood, may guide the course, or mould the destinies, of empire.

Under this view of the subject, a brief notice or two connected with the juvenile history of the youthful Macomb, may serve, in some measure, to exhibit the influence of early circumstances on the later periods of adult life.

The students at the Academy in Newark had become quite numerous; and some of them having given umbrage to a young son of Crispin, *the faculty* roused themselves to the field, with their allies, and appeared *en masse* before the students. The challenge could not be declined; and a combat ensued, in which, after a severe struggle with fists, sticks, and other missiles, the sons of Crispin retreated. In this affair, by that sort of instinctive impulse and consent, which, in assemblies, whether of boys or men, assumes and yields the ascendant, young Macomb exercised the command. In a subsequent affray between the same parties, a similar illustration was afforded. Each party was to select its champion, and decide the contest according to the laws of pugilism. Young Macomb, about thirteen years old, entered the ring on the side of the students. Notwithstanding the superior size and strength of his antagonist, the little of science which he had learned from a relative, enabled him to obtain the victory.

But perhaps enough is said of his early history, the whole of which, had we room and time to dwell on the particulars, would satisfy the reader, that *youth* promised what the adult has since performed.

The marriage of Macomb's eldest sister to Honourable Robert Kennedy, in 1795, introduced him into company, and familiarized him with scenes, which at once refined his manner, and improved him both mentally and corporeally.

When about fourteen, he manifested a strong partiality for the army or navy. This desire was probably increased by the fact, that some of his young acquaintances had lately been appointed midshipmen.

As our difficulties with France increased, so did his predilection for a military life become more deeply rooted. Volunteers were raised, and the "pomp and circumstance of war" made too strong an impression on his juvenile mind to be easily eradicated. He was taught mathematics, drawing, riding, and fencing, and having been trained to athletic exercises, a robust constitution fitted him to endure the hardships of a military life.

In the year 1798, he entered as member of a volunteer company, in a regiment of which the Colonel was Jacob Morton, since Major-General of the New-York State Militia. The government of the United States had then in preparation, the means of meeting any event which might occur from our difficulties with the French nation. The company to which he belonged tendered its services to the President, which were accepted. Circumstances presented an opportunity for entering the army, and Macomb embraced the occasion which now offered, for the gratification of his ruling passion.

The portentous appearance of our diplomatic correspondence with the French republic, induced increased activity in the measures preparatory to the last resort of nations. Through the influence of General Hamilton, he was commissioned as a Cornet of Light Dragoons, in January, 1799. General Washington was appointed Lieutenant-General, and General Hamilton was second in command. When the Staff was organized, Macomb, though a minor, hardly exceeding seventeen years, was appointed assistant Adjutant-General.

In this sphere of action he had the best possible opportunity to learn all the minute details of the service, whether appertaining to the command, or the duty of soldiers, and subsequent events have proved that these opportunities were not lost, nor disregarded.

When France finally agreed to an arrangement on terms satisfactory to our government, the army was much reduced, but Macomb was retained as second Lieutenant in a troop of dragoons.

When General Wilkinson was appointed one of the Commissioners to treat with certain tribes of Indians oc-

cupying the South-western territory, Lieutenant Macomb was appointed Secretary to the Commission. During the tour, which lasted nearly a year, he kept a journal, noting whatever was important in a political or military view. He deposited this in the War office, and it was considered of the most essential importance.

After returning to the seat of government, he was presented with a commission as first Lieutenant of a corps of Engineers, and received orders to repair to West Point, and report himself to Lieutenant-Colonel Williams, the Superintendent of the Military Academy. Having been examined, and a favourable report of his qualifications made to the proper department, he was appointed to officiate as Adjutant, and to instruct the Cadets in their proper exercises.

During the summer of 1803, he married Miss Catherine Macomb, of Belleville, N. J., and in the autumn of that year, officiated as Judge Advocate to a General Court Martial, assembled in Fredericktown, Maryland. Among other officers tried by this Court, was the singular case of Colonel Thomas Butler, who had refused to substitute the *crop* for the *queue*, as ordered by General Wilkinson. *The order was confirmed*, and the Colonel left the service. So well did he conduct the business of the Court on these trials, that the members suggested, what he has since accomplished, a Treatise on Courts Martial, a work considered as standard authority.

In 1805, he repaired to Washington, to make a final settlement of his accounts, as Secretary to the commission to treat with the Indians. At this interview with the Secretary of War, he received a commission as Captain of the Corps of Engineers. Having finished certain repairs of the works in Portsmouth harbour, New-Hampshire, agreeably to his orders, he was appointed Superintendent of the public works ordered to be erected at Mount Dearborn, South Carolina. In this occupation he remained till the year 1807, when he was appointed Chief Engineer of the fortifications for the defence of the Carolinas and Georgia.

The "affair of the Chesapeake" occurred in June, 1807, in consequence of which, appropriations were made to

fortify the principal forts on our coasts. The army was augmented by a regiment of riflemen, one regiment of light artillery, one regiment of light dragoons, and five regiments of infantry.

Macomb had previously been promoted to a Majority in the Corps of Engineers, taking rank from the 3d of February, 1808. He superintended the works intended for the defence of Charleston till the spring of 1812. Early in 1811 he was promoted to be a Lieutenant-Colonel in the same corps. In the ensuing autumn, he was detailed as member of a Court Martial for the trial of his former commander and friend, General Wilkinson.

The Secretary of War, Dr. Eustis, desiring Lieutenant-Colonel Macomb, to assist him in organizing the new army, called him from his duties as Chief Engineer for the Southern States, and appointed him, in April, 1812, Adjutant-General at the seat of Government. In this momentous exigency, he was charged with the most important trusts. Every thing was to be remoulded and cast into a warlike frame. The defects of the former system, growing up through a long period of peace, were palpable and manifold. He perceived all these deficiencies and irregularities, and exerted his utmost energies to bring order from confusion, and to re-organize the military, by introducing a system of economy in the expenditures, and giving instructions for the service; and in these duties he succeeded, to his own satisfaction, and that of the administration.

When war was finally declared, he immediately requested a command in the army. According to the rules of service, he could not be gratified, being a member of the corps of Engineers. Under these circumstances, he resigned his station in the engineer department, and received a colonel's commission, to the third regiment of Artillery, which he raised, organized, and disciplined, in New-York.

In November, 1812, he marched with his regiment to Sackett's Harbour, intending to assist in a meditated attack on Kingston. But on his arrival at that post, Commodore Chauncey had sailed, and circumstances delayed the contemplated attack till the ensuing spring.

After the capture of York, the next enterprise was

directed against Fort George. General Dearborn, the commander-in-chief, regarded Macomb's regiment, from its established good discipline, as best fitted for the defence of Sackett's Harbour, but was persuaded to permit a portion of this regiment to embark, and share the perils and honours of the enterprise.

Colonel Macomb, being left in command of the Harbour, prepared defences, and obstructed every probable avenue of hostile approach to this important depot.

Having made every prudential arrangement for the safety of the place, he embarked with Commodore Chauncey, and joined the army near the mouth of the Niagara, on the American side of the river. On the 13th of May, the force debarked, the enemy retreated, and Fort George, with Niagara, surrendered. Colonel Macomb then returned to the Harbour, in the fleet under Commodore Chauncey.

General Wilkinson took command of the army in 1813, and the War Department determined to invade Canada. For this purpose, troops convened on Grenadier Island, amounting to about eight thousand men. In November, the troops debarked near Ogdensburgh, and were placed under the command of Macomb. Fort Wellington having been passed, General Wilkinson directed Colonel Macomb to cross the St. Lawrence, and clear the Canadian side of any troops which might obstruct the passage of the boats on the river. The river was crossed, the obstacles removed, and a small place, called Fort Matilda, captured.

The next day was fought the unfortunate battle of Chrysler's Field, in which, as Colonel Macomb was in the advance, he did not partake. But the season was obviously too far advanced for the success of the enterprise, and the troops, recrossing the St. Lawrence, went into winter quarters at the French Mills, on Salmon River.

Macomb now resumed the command of the artillery, in which station he remained till January, 1814, at which time he was promoted to the rank of Brigadier-General. The late campaign having closed ingloriously, orders were received to march for Sackett's Harbour. The head quarters were removed to Plattsburgh. Macomb was

appointed to command the force on the east side of Lake Champlain, and his quarters were at Burlington. After taking possession of St. Amand, he joined General Wilkinson at Champlain, on the frontier of New York.

When General Wilkinson, as was anticipated, was recalled, General Macomb assumed the chief command, until the arrival of General Izard, the successor to General Wilkinson. The head quarters of General Macomb were at Plattsburgh, where he used every endeavour to put the troops in good order for the next campaign. When General Izard arrived, Macomb resumed his position at Burlington.

In May, the British flotilla entered Lake Champlain with a large force, to destroy or capture the vessels lately launched at Vergennes, or to intercept stores and supplies for the United States troops. Noticing the course which the flotilla had taken, General Macomb ordered the light artillery to Otter Creek, there to man the batteries. On the morning after their arrival, at dawn of day, the British flotilla commenced the attack, but were immediately repulsed, and returned to Isle aux Noix. Thus, by his vigilance and foresight, Macomb anticipated the designs of the enemy, and effectually frustrated a well-concerted plan to destroy our incipient Navy on Lake Champlain—by this single act, making himself auxiliary to the future triumph of the Navy on our Lakes, and entitling himself to the nation's lasting gratitude.

Early in the summer of 1814, the Canadian frontier was re-enforced by a large body of troops, which rendered the position of General Brown very critical. The British government, relieved from its long and severe struggle against Bonaparte, could dispose of many picked troops, disciplined under Wellington, and they were sent to Canada.

In August, General Izard marched for Niagara, by orders from the War Department, leaving General Macomb with about two thousand five hundred men, in the vicinity of a large force under Sir George Prevost, ready to invade the territory of the United States, as after circumstances clearly proved.

Learning that Izard had marched with a large portion of his troops to re-enforce the army at Fort Erie, Sir George, in order to check that movement, put his own army in motion, and crossed the lines at Odletown on the 1st of September. Here Macomb, left as it were alone, with only a handful of men, was put to the utmost stretch of his ability how to meet the occasion. It was one of those turning points in the character and fortune of individual history, when the weak sink, buried beneath the pressing magnitude of the emergency ; but where the great more greatly rise, discover and press into their service resources, where others see nothing but a barren waste, and thus exhibit the supremacy of genius, amidst the most discouraging circumstances, the most untoward events. How he acquitted himself in these trying predicaments, the result has clearly demonstrated.

On the first of September, the United States force on the Champlain frontier, amounted to one hundred and ten riflemen. General Macomb had previously ordered about seven hundred and fifty men to Plattsburgh, whither he purposed to concentrate his forces, for the defence of our military stores, and perhaps for the protection of our squadron. Three redoubts had been commenced on the south side of the Saranac, which, in its windings through the town, forms a peninsula, the neck of which is about twelve hundred feet broad. On this neck, the fortifications were constructed. They consisted of works so disposed as to defend each the other. Two of these were deemed inaccessible on their river fronts, on account of their precipitant banks. They were surrounded on the land side, by wide and deep ditches, and defended by rows of abattis, formed of trees well secured, and the branches well sharpened. Two block-houses were mounted with cannon.

The artillery were assigned to the batteries. About six hundred and fifty men were detailed under four officers for observation. A number of the young men of Plattsburgh organized themselves into a company, under their own commanders. A detachment of twelve dragoons acted as videts, and escorted the General while reconnoitering the enemy. The light troops were employed in the

avenues of approach, to watch the enemy's motions, obstruct the passes, destroy the bridges, and annoy the invaders by every possible means.

In this emergency, an appeal to the militia became necessary, no authority having placed the power of drafting men within his control. His appeal was made to the patriotism and valour of the citizens in his neighbourhood, and particularly to the governors and commanders of the militia of Vermont and New York, and his appeal was correspondingly answered. Much zeal was manifested by General Mooers, an experienced officer of the Revolution, as commander of the militia in the vicinity, whose counsels in aid of General Macomb were properly appreciated. With Commodore Macdonough he held a consultation, and a plan of mutual co-operation was adopted. From his very limited force, more than three hundred men were detailed to serve in the squadron.

The British camp at Odletown, apparently sure of victory from the known superiority of their numbers, was easy of access to any American who chose to inspect it. The number of the army was differently stated by various individuals, but ten thousand was the most moderate calculation made. The real number, as afterwards ascertained, was fourteen thousand, besides a reserve of two thousand, intended to guard the communication with Canada, and prevent any American troops from attacking the rear.

General Macomb was frequently advised to retreat, to spare the blood and lives of his apology for an army, and save Plattsburgh from the fate of a conquered country. But the decision which he took, and to which he unwaveringly adhered, in his apparently forlorn situation, proved the strength of his moral courage, and the wisdom of his measures.

Champlain was entered by the British troops on the third of September. The small detachment of riflemen at Chazy still watched the movements of the commander of the Canadas. The light troops and militia advanced to meet him, and were ordered to dispute the ground by inches, that the unfinished works might be strengthened,

and time gained to prepare for a vigorous defence. But the delays of the British troops, to whatever cause they may be ascribed, were disastrous to the British cause.

Sir George marched against Plattsburgh on the fourth of September, when Macomb's riflemen slowly retreated, and, in falling back, destroyed bridges, and placed every obstruction in the way of the advancing enemy. On the next day he continued at Little Chazy. On the sixth he was to advance in two columns, on two distinct routes. About one thousand men, regulars and militia, with two pieces of artillery, marched to check the right column. To oppose the left column, Colonel Appling, with his riflemen, was to co-operate with a detachment of two hundred men, already in the advance, with two field pieces, stationed near a bridge at Dead Creek, prepared to defend the pass. To avoid this pass, which was by nature advantageously situated for defence, a road was ordered to be cut through the woods by Major-General Brisbane, but circumstances rendered necessary the withdrawal of the troops at the Creek. Colonel Williams, who had penetrated the woods, met the troops under Colonel Appling, who, having poured a brisk fire into the enemy's line, retreated in good order. The other detachment, ordered to oppose the right column, was also compelled to fall back, and crossed the bridge of the Saranac, and rejoined the main army.

On the same day, General Macomb, with his Staff, took post at the junction of two roads leading into Plattsburgh, that he might the better regulate the motions of his retreating forces. Gunboats were also stationed on the flats, to annoy the enemy on his march, but they were finally compelled to rejoin the squadron. Having retired behind the Saranac, the American troops took up the planks of the bridges, which were then used as defences for the detachments posted near them.

All the stratagems of war were now brought into action to deceive the enemy, and produce a false impression of our strength. The mental and physical energies of officers and men were employed in strengthening the works, and preventing a surprise. So far as time permitted, the works were made defensible, and nothing left to the chances of

war, which the most unremitting vigilance and activity could accomplish.

Believing that the works could not be taken by assault, nor reduced by a siege, before he would be succoured by the gallantry of his countrymen, Macomb rested in full confidence as to the final result of the conflict. He judged correctly, for volunteers and militiamen soon came into camp in considerable numbers. They were patriotic, but inexperienced, and mostly undisciplined troops. The magazines supplied them with arms and munitions of war. The General presented them his thanks for thus coming to his relief, in the face of so powerful an enemy, and gratefully accepted their offer of services.

The manner in which he purposed to use these recruits was that of guerillas. They were to choose their own leaders, act in small parties, fall on the enemy any where, attack the pickets night and day, harass him in flank and rear, pick up stragglers, and gain information, and in fact to act independently, but resolutely, as partisans. Provision and ammunition were provided at different points, to which they could resort for supplies. They were to avoid the strong holds of the enemy, but to fall on him should our works be attacked. Should he attempt to cross the river, they were to annoy his march, and throw every possible obstacle to prevent him from passing the fords.

The directions given to these recruits were faithfully followed, and daily skirmishes ensued, while the artillery incessantly played on the works erected by the British. On the 10th, Macomb learned that the enemy would make a general attack on the next day, and that twelve hundred scaling ladders were provided for the storming parties. Presuming that he was surrounded by spies under the appearance of militiamen, he gave out that General Izard's army was at hand, waiting only the crossing of the British army to move up and attack it; that more than ten thousand militia were in the woods, and that double the number would join them by the next day. These fellows, at night, were seen to pass over the Saranac into the enemy's camp, carrying, no doubt, the inspiring intelligence, with which Macomb had filled them.

At this juncture, Macomb conceived an idea of retaking the American fleet, in case it should be captured. He had the control of a number of small boats. These were ranged under the banks, ready to receive from six to eight hundred men. After a severe action the fleet would be crippled, the men fatigued and intoxicated, and to board with fresh troops, would probably lead to an easy victory. It was well conceived, and the situation of the squadron, after its defeat, is a proof that it might have been accomplished, under a change of circumstances.

A battery of two twelve pounders had been planted on Crab Island, which was served by invalids in the hospitals, under command of Surgeon Mann, for the protection of the left flank of our squadron. The British galleys intended to operate against that flank, were beaten off in the attack, and a sloop of ten guns driven on the rocks, and captured.

Being convinced that the attack would be made on the south front of the works, Macomb caused the roads and avenues leading in that direction to be planted with evergreens, and the fallen leaves were strewed over the ground, to hide every appearance of a road; while other roads were opened leading towards Salmon river. On the old road, into which the new ones led, a field piece was planted, under Lieutenant Sumpter, of the artillery, to await the march of the enemy.

At day break on the 11th, the whole British camp was in motion. The troops were all under arms, and their fleet was descried abreast of Cumberland Head, and was soon seen in the bay of Plattsburgh. The land and water batteries were opened at the same instant, and the conflict between fleet and fleet, army and army, was soon general. The British made a demonstration before the American works, merely to amuse, while the assaulting columns were marching to the place of their destination. But the false roads had deceived the assailants, till, after marching five miles out of their way, they received a very unexpected fire from the field piece under Lieutenant Sumpter. The militia and volunteers had already harassed them on the march; they were fatigued by carrying the

scaling ladders; involved in the labyrinths of a wood which was thronged with sharpshooters—their burdens were dropped, and those in the rear made their escape, rather than to share the fate of the van, which was nearly all destroyed or captured. By this time, the contest on the lake was decided, and at sunset, the noise of battle had ceased between the armies.

The Governor-General retreated; and scattered equipage, abandoned wagons, broken carriages, and straggling plunderers, were the evidences which sealed the fate of the mighty enterprise. The wounded were left in charge of a hospital surgeon, with a note, recommending them to the humanity of the conquerors.

Thus closed the invasion of Plattsburgh, its siege and attack, by sixteen thousand Wellington invincibles, who retreated from fifteen hundred American regulars, aided by militia and volunteers, unskilled in the use of arms, but for the destruction of game, and ignorant of the art of war.

The whole history of Macomb, from boyhood to the moment of this splendid achievement, unties the gordian knot of the mystery *how* this battle was won, and a victory so complete was accomplished. The science of war was his constant study, his daily occupation. His skill was matured by deep thought on the stratagems particularly required by one who dared to meet an enemy of such superior numbers. His science measured lances against the commander who depended on a dead weight of physical forces, and *mind* conquered matter. By the deception of the roads, the enemy missed the point of attack. Lost in the woods, they were the victims of marksmen, and a prey to ambush—they were cut off in detachments by the harassing mode of warfare which he constantly pursued. Their batteries were destroyed by night, and they were deceived by their own spies. The shouts of soldiers which simultaneously rent the air—the manner of mounting guard, and countermarching his men for a military display, gave the appearance of large re-enforcements, and numerous garrisons.

After the victory, the militia and volunteers were

honourably and thankfully dismissed to their homes, and the papers throughout the Union noticed the actors in this glorious event with well merited eulogy. Resolutions of public thanks were voted to Macomb, his fellow-officers, and men, and New York voted him a sword, which was presented by Governor Tompkins, and he was requested to sit for his portrait to be added to its gallery of patriots. Congress resolved that a gold medal should be struck, in honour of his triumph.

He remained at the head of the command which he had so gallantly led, and continued at Plattsburgh. The sufferers in this border war were soon relieved from its vexations, by an arrangement between General Macomb and General Sir Thomas Brisbane, by which the inhabitants on both sides of the line, were enabled to pursue, unmolested, their usual occupations, enjoying all for which neutrals could ask.

After this conflict, which resulted so gloriously for the interests of our government and people, war seemed to have taken a new aspect. In the intercourse of the officers, and in the conduct of opposing pickets, a sort of forbearance and uniform courtesy was observed. Individual affrays, and the barbarities of savage warfare, such as shooting sentinels, was totally abolished. Mutual acts of kindness, which, carried out to their full bearing, *would totally abolish war and all its horrors*, were now practised between the officers and soldiers of the respective armies. Did our limits permit, we could give the beneficial tendency of these conciliatory dispositions, and name the acts which were the consequence of this reciprocal courtesy. We name but one. The servant of a British Adjutant stole the charger, money, and clothing of his master, and brought them into the American camp. They were returned to the enemy's camp by a flag, borne by Lieutenant Riley. While nobly performing this duty, an American deserter, who had stolen the horse of General Macomb, brought him into the British camp; where he was recognised by the Lieutenant, and as honourably restored by the British commander.

During the suspension of hostilities, General Macomb

visited New-York city and Belleville, in New-Jersey. On this visit, he was at almost every place of note, the recipient of congratulations which demonstrated the regard of the magistracy and the people. But his tarry in the scenes of domestic peace and enjoyment was brief. News arrived that Plattsburgh was to be the theatre of another attack. He speedily returned, with authority to call for assistance on all the regular troops, not immediately wanted for other specific purposes, who were east of New-York and the Lake. The militia and volunteers were also placed under his command. Troops daily arrived, the discipline duly improved, and the works strengthened, in anticipation of the expected attack. But the news that a treaty of peace had been signed, arrived in time to prevent a further effusion of blood. A suspension of hostilities was ordered by the President, and General Macomb conveyed the joyful tidings to Sir George by a flag of truce, and the war terminated.

The peace establishment was settled at ten thousand. Four brigadiers were retained in the service, Macomb, Ripley, Scott, and Gaines, of whom General Macomb was the senior. The troops enlisted for the term of the war were then discharged, and Macomb repaired to Washington, to assist in the organization of a peace establishment. In the distribution of the various commands, Macomb was assigned to the third military department in the northern division. Subsequently, however, his head quarters were removed to Detroit, and he commanded the fifth military department. This was certainly a gratifying incident. His absence had been long, and his life had been one of hardship, toil, and adventure, when he returned to the scenes of his juvenile years. He was received with evident manifestations of satisfaction.

The unfortunate surrender of this frontier fortress, at the opening of the contest with Great Britain, was the prelude to Indian incursions. The territory had been swept with the besom of destruction. To bring order from chaos, and symmetry and beauty from confusion and deformity, were the tasks assigned him; and the result evinced a mind capable of their accomplishment. His forces were

so disposed as to keep the savage bands in awe. Various military posts were put in a state of defence, and garrisoned. Roads were constructed, public edifices built, and arsenals established. Citizens returned to their dwellings, trade and agriculture flourished, and general improvement was rapidly on the advance. As a token of gratitude which should continue the remembrance of his services to after generations, his name was given to one of the territorial counties.

In June, 1821, the army was reduced, when he returned to the seat of government, as head of the engineer department. When his intended removal was announced, a general meeting of the citizens was called, when the presidential office was filled by the territorial governor. An address was voted, and a piece of plate presented him in the name of the citizens. All classes, without respect to sect or party, bade him an affectionate adieu, with the liveliest tokens of esteem.

On the decease of his consort, during the year of his return, the general sent for his aged father and mother, then residing in New York, who had been reduced from affluence to poverty. He received them under his own roof, and subsequently enjoyed the satisfaction, which none but a grateful son can appreciate, of discharging in some degree those obligations, which can never be entirely cancelled, by placing them in a situation of comfortable competency.

In February, 1828, Major General Brown, till then commander-in-chief of the army, deceased. From the position which Macomb occupied, as head of the engineer department, he had not, since he quitted his command on the Canadian frontier, been before the public eye, in the capacity of a military commander; but was rather regarded as a labourer for the public benefit in the occupations of peace—even while in the act of preparing the country to resist hostile aggressions, and superintending the academy in which warriors are trained. But, after well considering the subject, the President nominated him to the Senate, as successor to General Brown. The nomination was confirmed, and he became General-in-chief of the army of the United States.

In examining the long and honourable military career of General Macomb, the fact is worthy of remark, that we learn nothing of his engagement in the too common practice of duelling. Nor is it less remarkable, that in whatever place he was stationed, he paid the most marked respect to the *magistracy*, and the *civil law*. No public functionary—no private citizen, had occasion to complain of violated rights, or impaired interests. His sword was drawn in defence of the public good, of justice, and innocence; not for their subversion, or injury.

Perhaps no station in life is so fertile in the production of tyrants, as that of a commander in the army or navy. The boasted escutcheon of our national glory has already accumulated its sombre shades and indelible spots. Yet has the character of Alexander Macomb passed the ordeal of public scrutiny, without suffering from an accusation of despotic rule, or tarnishing his fame by acts of injustice or cruelty. As a private citizen, he is said to be amiable, as he is great in the profession of arms. Exemplary in the social relations of husband, father, son, and friend, he is not known to have a personal enemy, and certainly not to have deserved one. In conversation and manners, he is such as might be expected from one of his quick perceptions, and good opportunities.

Should the reader be inquisitive as to his size, appearance and habits, he may be gratified to learn that the General is more than five feet nine inches high, and well proportioned, having a pleasant countenance, a mild blue eye, indicating much intellect and benevolence. He has an excellent constitution, enjoys good health, and drinks—*no intoxicating liquors*.

The battle of Plattsburgh is the best commentary on his military character.

OLIVER HAZARD PERRY.

THE "Hero of Lake Erie," was born at Newport, Rhode-Island, in August, 1785. In the disturbance between France and the United States, during the administration of President Adams, his father, Christopher Raymond Perry, commanded the United States' sloop of war General Greene, on board of which, in 1798, young Perry entered as a midshipman, under the immediate eye of his parent. He was, soon after, ordered to the squadron destined for the Mediterranean, in which he served during the Tripoline war. After affairs were adjusted with that regency, the tranquil state of things threw him into the vale of obscurity, until 1810, when he was advanced to the rank of Lieutenant-commandant, and was ordered to take charge of the United States' schooner Revenge, and to cruise in Long-Island sound, for the purpose of enforcing an observance of the Embargo law.

In the following spring, he lost his vessel on Watch-hill reef, during the existence of a thick fog. He used every possible exertion to save the guns and property, and partially succeeded. A court of inquiry, instituted at his own desire, not only exonerated him from blame, but applauded his zeal, which was seconded by a complimentary letter from the Secretary of the Navy.

Shortly after his return to Newport, he was married to Miss Mason, daughter of Dr. Mason, and niece of Christopher Champlin, Esq. one of the Senators from Rhode-Island in the Congress of the United States.

He took charge of the flotilla of gun-boats stationed in the harbour of New-York, early in 1812, with the rank of Master-commandant. Here he remained about a year, disciplining his crews. As war had begun its ravages between Great Britain and the United States, he sought a more active sphere; and, at his own request, he was transferred to the service on the Lakes.

In pursuance of this disposition of his services, he repaired with a reinforcement of seamen to Sackett's Harbour, on Lake Ontario, to act under Commodore Chauncey. The transportation of the seamen from the sea-board to the harbour, from its novelty to the sons of Neptune, afforded them the highest amusement, particularly as it was a "*land cruise*" in the depth of winter.

After remaining at Sackett's Harbour some time, Commodore Chauncey despatched Perry to take charge of the squadron then fitted and fitting out on Lake Erie, and to hasten their equipments. At this time, the British fleet on that lake was commanded by Captain Barclay, an officer of high standing, rank, and skill, who had seen much service, and whose force was of superior strength to the American squadron.

Perry pursued his object unmolested by the enemy, who was continually hovering about the harbour. Having equipped and manned his vessels, he buoyed them over the bar, on which was only five feet water, at the harbour's mouth of the port of Erie, on the 4th of August, 1813. The enemy were peaceable spectators of the scene. The next day he sailed in pursuit of them, and returned to port on the 8th, without accomplishing his object. The day following he was re-enforced by several officers and eighty seamen under Lieutenant Elliot, which gave his squadron a full complement. He again sailed on the 12th, on a cruise, and on the 15th arrived at Sandusky bay, in front of an encampment of the American army, commanded by General Harrison. Thence he proceeded to cruise off Malden, and the British commander thought proper to hug his force for protection, close under the guns of the British fortifications. The inhabitants were filled with terror and consternation at the sight of the American squadron, and the astonished Indian allies of the British crown, urged the British squadron to put to sea, and give battle. They, however, were not disposed to risk an engagement; and Perry returned to Sandusky bay.

Nothing of moment happened until the morning of the 10th of September. The American squadron was then

lying at anchor in Put-in-Bay, and consisted of brigs Lawrence, Commodore Perry, 20 guns ; Niagara, Captain Elliot, 20 do. ; Caledonia, Purser M'Grath, 3 do. ; schooners Ariel, Lieutenant Packet, 4 do. ; Scorpion, Sailing-Master Champlin, 2 do. ; Somers, Almy, 2 do. and 2 swivels ; Tigress, Lieutenant Conklin, 1 do. ; Porcupine, Midshipman G. Senat, 1 do. ; sloop Trippe, Lieutenant Smith, 1 do. ; in all 54 guns.

At sunrise they discovered the enemy, and immediately got under way and stood for him, with a light wind at south-west. The British force consisted of ship Detroit, 19 guns, 1 on pivot, and 2 howitzers ; Queen Charlotte, 17 do. 1 on pivot ; schooner Lady Prevost, 13 do. 1 on pivot ; brig Hunter, 10 do. ; sloop Little Belt, 3 do. ; schooner Chippeway, 1 do, 2 swivels ; in all 63 guns.

At 10, A. M. the wind hauled to the south-east, and brought our squadron to windward. Commodore Perry then hoisted his union jack, having for a motto the dying words of the valiant Lawrence, "Don't give up the ship !" It was received with repeated cheerings by the officers and crews. And now, having formed his line, he bore for the enemy ; who likewise cleared for action, and hauled up his courses. As the hostile squadrons approached each other, suddenly a bugle was sounded from on board the enemy's ship Detroit, and loud huzzas immediately burst forth from all their crews.

As soon as the Lawrence came within the reach of the enemy's long guns, they opened a heavy fire upon her, which, from the shortness of her guns, she was unable to return. Perry, without waiting for his schooners, kept on his course, which induced the enemy to suppose it was his intention to board. In a few minutes, having gained a nearer position, he opened his fire. The length of the enemy's guns, however, gave them greatly the advantage, and the Lawrence was excessively cut up without being able to do any great damage in return. Their shot pierced her sides in all directions, killing the men on the berth deck and in the steerage, where they had been taken down to be dressed. One shot had nearly produced a fatal explosion ; passing through the light room, it knocked

the snuff of the candle into the magazine; fortunately the gunner happened to see it, and had the presence of mind to extinguish it immediately with his hand.

Their heaviest fire was directed at the *Lawrence*, and Perry finding the hazard of his situation, made sail, and directed the other vessels to follow for the purpose of closing with the foe. The tremendous fire, however, to which he was exposed, soon cut away every brace and bowline, and the *Lawrence* became unmanageable.

Even in this disastrous plight, she sustained the action for upwards of two hours, within canister distance, though for a great part of the time the *Lawrence* could not get more than three guns to bear upon her antagonist. It was admirable to behold the perfect order and regularity that prevailed among her valiant and devoted crew, throughout this scene of horror. No trepidation, no confusion occurred, even for an instant; as fast as the men were wounded, they were carried below, and others stepped into their places; the dead remained where they fell until after the action. At this juncture the fortune of the battle trembled on a point, and the enemy believed the day their own. The *Lawrence* was reduced to a mere wreck; her decks were streaming with blood, and covered with mangled limbs and the bodies of the slain; nearly the whole of her crew was either killed or wounded; her guns were dismounted, and the Commodore and his officers helped to work the last gun that was capable of being used.

Finding the *Lawrence* was incapable of further service, he gave his vessel in charge to Lieutenant Yarnall, who had already distinguished himself by his bravery, and hauled down his union, bearing the motto of *Lawrence*, and taking it under his arm, ordered it to be put on board of the *Niagara*, which was then in close engagement. In leaving the *Lawrence*, he gave his pilot choice either to remain on board, or accompany him; the pilot replied, "he'd stick by him to the last," and jumped into the boat. Perry went off from the ship standing up in the stern of the boat, until the crew absolutely pulled him down among them. Broadides were levelled at him, and small arms discharged by the enemy, two of whose vessels were

within musket shot, and a third one nearer. His ship-mates who remained behind, stood watching him, in anxiety; the balls struck around him and flew over his head in every direction; and they beheld with transport his flag hoisted at the mast-head of the Niagara. No sooner was he on board, than Captain Elliot volunteered to put off in a boat and bring into action the schooners which had been kept astern by light wind; the offer was accepted, and Elliot left the Niagara to put it in execution.

About this time the flag of the Lawrence came down. The event was unavoidable; she had sustained the whole fury of the enemy, and was rendered incapable of defence; and further show of resistance would but have proved most useless and cruel carnage among the relics of her brave and mangled crew. The enemy, however, were not able to take possession of her, and subsequent circumstances enabled her again to hoist her flag.

Commodore Perry now made signal for close action, and the small vessels put out their sweeps and made all sail. Finding that the Niagara was but little injured, he determined, if possible, to break the enemy's line. He accordingly bore up, and passed ahead of the two ships and brig, giving them a raking fire from his starboard guns, and also to a large schooner and sloop from his larboard side, about half pistol shot distance. Having passed the whole squadron, he luffed up and laid his ship along side the British Commodore. The smaller vessels, under the direction of Captain Elliot, having, in the mean time, come within grape and canister distance, and keeping up a well-directed fire, the whole of the enemy struck, excepting two small vessels, which attempted to escape, but were afterwards taken.

The engagement lasted about three hours, and never was victory more decisive and complete. The captured squadron, as has been shown, exceeded ours in weight of metal and number of guns. Their crews were also more numerous; the Americans were a motley collection, where were some good seamen, but mixed with soldiers, volunteers, and boys, and many were on the sick list. More prisoners were taken than we had men to guard.

The loss on both sides was severe. Scarcely any of the Lawrence's crew escaped unhurt. Among those slain, was Lieutenant Brooks of the marines, a gay and elegant young officer, full of spirit, of amiable manners, and remarkable for his personal beauty. Lieutenant Yarnall, though repeatedly wounded, refused to quit the deck, during the whole of the action. Commodore Perry, notwithstanding he was continually in the most exposed situations of the battle, escaped uninjured; he wore an ordinary seaman's dress, which, perhaps, prevented him from being picked off by the enemy's sharp-shooters. He had a younger brother with him on board the Lawrence, as midshipman, who was equally fortunate in receiving no injury, though his shipmates fell all around him. Two Indian chiefs had been stationed in the tops of the Detroit, but when the action became warm, so panic struck were they with the terrors of the scene, and the strange perils that surrounded them, that they fled precipitately to the hold of the ship, where they were found after the battle in a state of utter consternation. The bodies of several other Indians were said to have been found the next day on the shores of the lake, supposed to have been slain during the engagement and thrown overboard.

The loss of the British in killed and wounded, was estimated at one hundred and sixty, and that of the Americans at one hundred and twenty-three. On board the British fleet, the Captain and first Lieutenant of the Queen Charlotte were killed. Commodore Barclay, of the Lady Prevost, was severely wounded, and lost his hand. He, however, did himself honour by the brave and obstinate resistance which he made. He was a fine looking officer, then about thirty-six years old. He had seen much service, having been desperately wounded in the battle of Trafalgar, and afterwards losing an arm in another engagement with the French. In the present battle he was twice carried below, on account of his wounds, and had the misfortune to have his remaining hand shot away. While below, the second time, his officers came down and told him that they must strike, as the ships were cut to pieces, and the men could not be kept to their guns. Com-

modore Barclay was then carried on deck, and after taking a view of their situation, and finding all chance of success was over, reluctantly gave orders to strike.

In the course of the action, Perry noticed a prime and favourite sailor, who was Captain of one of the guns, very much embarrassed with his piece, which, in consequence of the firelock being broken, was rather unmanageable and rebounded. Perry approached him, and in an encouraging manner, asked him, "what is the matter?" The honest tar, who had been showing signs of great vexation, turned round, and, as if speaking of a mistress, exclaimed reproachfully, "Sir, my gun behaves shamefully!" He then levelled, and having taken aim, raised up and squared himself, when suddenly a cannon ball struck him in the breast, passed through him, and he fell dead without a groan!

Lieutenant Yarnall, of the *Lawrence*, behaved throughout with great bravery and coolness. He was dressed as a common seaman, a red bandana handkerchief was tied round his neck, and another round his head, to stanch two wounds which he had received. From these, the blood trickled down his face; and a splinter having passed through his nose it had swelled to a hideous magnitude. In this frightful plight, looking like the very genius of carnage and ill-luck, he came up to Perry, in the hottest and bloodiest of the fight, and announced to him that all the officers of his division were killed. Perry ordered others into their places. Shortly after, Yarnall returned, with a repetition of the dismal tidings that all the officers were shot down! Then, sir, said Perry, you must endeavour to make out by yourself, I have no more to furnish you.

Soon after the victory on Lake Erie, the President of the United States appointed Oliver H. Perry to the rank of Captain in the Navy.

The Commodore was presented with the freedom of the cities of New York and Albany.

The thanks of Congress were voted to the Commodore, his officers, seamen, and marines; and medals were presented to him and his officers.

The thanks of the Senate of Pennsylvania, with medals, also were voted to the Commodore, and those brave men who served under him.

Rejoicings, illuminations, and bonfires, were exhibited through all parts of the United States.

The capture of the British fleet removed the chief obstruction to the capture of Malden; and General Harrison made dispositions to avail himself of it. Boats were collected, and troops assembled. Governor Shelby arrived on the 17th of September, at the mouth of Portage river, with about four thousand volunteers. General M'Arthur joined the army within three days after, with his brigade from fort Meigs. On the 21st, the embarkation of troops commenced. Put-in-bay Island was the place of rendezvous. Commodore Perry's fleet, including the captured vessels, were engaged in protecting and assisting the men and boats, as well as in conveying stores and baggage. The army again embarked on board the fleet and boats at Put-in-bay, on the 25th, and arrived the same evening at the Eastern Sister, a small island about sixteen miles from Malden. Here the expedition was detained some time by bad weather, during which time, a reconnoissance of the enemy's coast was made by General Harrison, and Commodore Perry; a despatch was also sent to apprize Colonel Johnson of their movements, who, with his mounted rangers, was to co-operate in the reduction of Malden.

On the 27th, the army embarked at the Eastern Sister, and landed near Malden, in excellent order. The enemy having previously evacuated the town, it was entered by the Americans without opposition.

After the capture of Malden, Perry acted as a volunteer aid to General Harrison, in his pursuit of the British, on the river Thames, and was present at the battle of Moravian town, on the fifth of October. When the British presented a formidable force for the invasion of Maryland and Virginia, and proceeded to the conflagration of the public works, at the city of Washington, he commanded a body of seamen and marines on the Potomac. He was, afterwards, appointed to command the Java frigate, built

at Baltimore; and after the conclusion of peace with Great Britain, sailed, in 1815, as one of the squadron under Commodore Decatur, sent to the Mediterranean to settle affairs between the United States and Algiers. While in that sea, some difference arose between him and Mr. Heath, commandant of marines on board his ship. This difference resulted in a duel, in which Commodore Decatur was second to Commodore Perry, though convinced that his principal was the aggressor. After an exchange of shots, Decatur interposed, and prevented farther hostilities. But the affair led to a court-martial, the result of which subjected both these officers to a private reprimand from Commodore Chauncey. Captain Heath not being appeased, laid his grievances before the public in a pamphlet, after his return to the United States, and was about the same time appointed to a Consulate by the government. Perry returned with the squadron to the United States.

Not long after the close of the contest with Great Britain, the Commodore sailed as commander of a squadron to cruise in the West Indian seas. Before entering a port, he died on board his ship, of the prevailing fever. He was honourably interred on shore. By order of our government, his remains were disinterred, brought to Rhode Island, and again interred, at Newport, the place of his birth. A plain monument is erected to his memory, with a simple inscription. Having written in vain for the information relative to more minute particulars, this sketch is closed by that which supersedes both eulogy and epitaph—that which will descend to posterity long as the victory on Lake Erie shall be remembered—his laconic despatch after that event—“ *We have met the enemy, and they are ours.*”

JACOB JONES.

JACOB JONES was born in Kent county, Delaware, about the year 1770. His father was a respectable farmer. His mother, whose maiden name was Jones, was an amiable and interesting woman. She died while he was yet an infant. His father again married with a young lady, named Holt, grand daughter to the honourable Ryves Holt, formerly Chief Justice of the Supreme Court of Delaware. Shortly after this second marriage, his father died, when this his only child was scarcely four years of age. It was his good fortune to be left under the care of a kind step-mother. By her he was nurtured from infancy to manhood, with maternal care and tenderness. At an early age, he was placed at school, and his proficiency in learning was equal to her most anxious wishes. After becoming well acquainted with the general branches of an English education, he was transferred to a grammar school at Lewes, in Sussex county, conducted by Doctor Matthew Wilson. Under his direction he read the classics with much assiduity, and became well acquainted with the Latin and Greek languages. In the geographical lessons he continually bore off the palm, and received repeated proofs of approbation from his preceptor. At the age of eighteen, he left Lewes Academy, and commenced the study of physic and surgery, under Doctor Sykes, an eminent physician and surgeon of Dover, in Kent county. With him he diligently prosecuted his studies during four years, after which he attended the usual courses of medical lectures of the University of Pennsylvania, and then returned to Dover to commence the exercise of his profession.

He did not, however, continue long in the practice. Discouraged by the scanty employment which is commonly the lot of the young physician, and impatient of an

inactive life, he determined to abandon the profession, and seek some more productive occupation. This resolution was a matter of much regret among the elder physicians. They entertained a high opinion of his medical acquirements, and considered him as promising to become a distinguished and skilful member of their body. Governor Clayton, who was an eminent physician, seeing that he was fixed in his determination, conferred on him the clerkship of the Supreme Court of Delaware for Kent county.

In this office he continued for some time, but the sedentary nature of its duties was uncongenial with his health and habits; he longed to mingle in more active scenes, and, consequently entered a midshipman, in the year 1799, when the disturbance with France took place. He was then almost twenty-nine years of age, highly respected for the solidity of his understanding, and his varied acquirements. His friends were dissatisfied at seeing him take a retrograde step in life, and accepting a grade which is generally allotted to boys and striplings. It was in vain, however, to remonstrate against his resolve, from which, once formed, he never deviated. Determined on embracing the profession, he had weighed all its inconveniences and sacrifices, and had resolved to encounter and surmount them all. His friends could only console themselves with the reflection, that, if courage, activity, and hardihood, could ensure naval success, Jones was peculiarly fitted for the life he had embraced.

The first cruises which he made, were under the late Commodore Barry, from whom he derived much instruction in the theory and practice of his profession, and experienced the utmost kindness and civility. He was a midshipman on board the frigate *United States*, when she bore to France Chief Justice Ellsworth and General Davie, as Envoys Extraordinary to the French Republic. He was next on board of the *Ganges* as midshipman, and during the whole intervening period between his appointment and the war with Tripoli, he was sedulously employed in obtaining that nautical skill for which he was celebrated.

On the breaking out of the war with Tripoli, he was stationed on board of the frigate Philadelphia, under the command of Commodore Bainbridge. Twenty months of severe captivity among a barbarous people, neither broke his spirit nor impaired his constitution. When relieved from bondage by the bravery of his countrymen, he returned home full of life and ardour. He was soon after promoted to a lieutenancy. This grade he had merited before his confinement in Tripoli, but older warrant officers had stood in the way of his preferment.

He was now for some time employed on the New Orleans station, where he conducted himself with judgment and propriety. He was shortly afterwards appointed to the command of the brig Argus, stationed for the protection of our commerce on the Southern maritime frontier. In this situation he acted with vigilance and fidelity, and though at one time insidious suggestions were circulated to the contrary, it has appeared that he conformed to his instructions, promoted the public interest, and gave entire satisfaction to the government.

In 1811, Captain Jones was transferred by the Secretary of the Navy to the command of the sloop of war Wasp, mounting eighteen twenty-four pound carronades, and was despatched, in the spring of 1812, with communications from our government to its ministers at the courts of St. Cloud and St. James. Before he returned, war had been declared by the United States against Great Britain. Captain Jones refitted his ship with all possible despatch, and repaired to sea on a cruise, in which he met with no other luck than the capture of an inconsiderable prize.— He again put to sea on the 13th of October, and on the 18th of the month, after a long and heavy gale, he fell in with a number of strongly armed merchantmen, under convoy of his Britannic Majesty's sloop of war the Frolic, Captain Whinyates.

As this engagement has been one of the most decidedly honourable to the American flag, from the superior force of the enemy; and as the British writers, in endeavouring to account for our successes, and to undervalue our victories, have studiously passed this battle in silence, and

seemed anxious to elbow it into oblivion, this occasion is taken to republish a full and particular account of it, which we have every reason to believe is scrupulously correct:—

A heavy swell was in the sea, and the weather was boisterous. The topgallant-yards of the Wasp were taken down, her topsails were close reefed, and she was prepared for action. About 11 o'clock, the Frolic showed Spanish colours, and the Wasp immediately displayed the American ensign and pennant. At thirty-two minutes past eleven, the Wasp came down to windward on her larboard side, within about sixty yards, and hailed. The enemy hauled down the Spanish colours, hoisted the British ensign, and opened a fire of cannon and musketry. This the Wasp instantly returned; and coming nearer to the enemy, the action became close, and without intermission. In four or five minutes, the maintopmast of the Wasp was shot away, and, falling down with the maintopsail-yard across the larboard fore and fore-topsail braces, rendered her head yards unmanageable during the rest of the action. In two or three minutes more, her gaff and mizen-topgallant-sail were shot away. Still she continued a close and constant fire. The sea was so rough that the muzzles of the Wasp's guns were frequently in the water. The Americans, therefore, fired as the ship's side was going down, so that their shot went either on the enemy's deck or below it, while the English fired as the vessel rose, and thus her balls chiefly touched the rigging, or were thrown away. The Wasp now shot ahead of the Frolic, raked her, and then resumed her position on the Frolic's larboard bow. Her fire was now obviously attended with such success, and that of the Frolic so slackened, that Captain Jones did not wish to board her, lest the roughness of the sea might endanger both vessels; but, in the course of a few minutes more, every brace of the Wasp was shot away, and her rigging so much torn to pieces, that he was afraid that his masts, being unsupported, would go by the board, and the Frolic be able to escape. He thought, therefore, the best chance of securing her was to board, and decide the contest at

once. With this view he wore ship, and running down on the enemy, the vessels struck each other, the Wasp's side rubbing along the Frolic's bow, so that her jib-boom came in between the main and mizzen rigging of the Wasp, directly over the heads of Captain Jones and the first Lieutenant, Mr. Biddle, who were at that moment standing together near the capstan. The Frolic lay so fair for raking, that they decided not to board until they had given a closing broadside. Whilst they were loading for this, so near were the two vessels, that the rammers of the Wasp were pushed against the Frolic's sides, and two of her guns went through the bow ports of the Frolic, and swept the whole length of her deck. At this moment John Lang, a seaman of the Wasp, a gallant fellow who had been once impressed by a British man of war, jumped on a gun with his cutlass, and was springing on board the Frolic: Captain Jones, wishing to fire again before boarding, called him down, but his impetuosity could not be restrained, and he was already on the bowsprit of the Frolic; when seeing the ardour and enthusiasm of the Wasp's crew, Lieutenant Biddle mounted on the hammock cloth to board. At this signal the crew followed, but Lieutenant Biddle's feet became entangled in the rigging of the enemy's bowsprit, and Midshipman Baker, in his ardour to spring on board, laying hold of his coat, he fell back on the Wasp's deck. He sprung up, and as the next swell of the sea brought the Frolic nearer, he mounted her bowsprit, where Lang and another seaman were already. He passed them on the forecastle, and was surprised at not seeing a single man alive on the Frolic's deck, excepting the seamen at the wheel, and three officers. The deck was slippery with blood, and strewn with the bodies of the dead. As he went forward, the Captain of the Frolic, with two other officers who were standing on the quarter deck, threw down their swords, and made an inclination of their bodies, denoting that they had surrendered. At this moment, the colours were still flying, as, probably, none of the seamen of the Frolic would dare to go into the rigging, for fear of the musketry of the Wasp. Lieutenant Biddle, therefore, jumped into

the rigging, and hauled down the British ensign, and possession was taken of the Frolic in forty-three minutes after the first fire. She was in a shocking condition; the berth-deck, particularly, was crowded with the dead, wounded, and dying; a small proportion of the Frolic's crew only had escaped. Captain Jones instantly sent on board his surgeon's mate; and all the blankets of the Frolic were brought from her slop-room for the comfort of the wounded. To increase this confusion, both the Frolic's masts soon fell, covering the dead and every thing on deck, and she lay a complete wreck.

It now appeared that the Frolic mounted sixteen thirty-two pound carronades, four twelve-pounders on the main-deck, and two twelve-pound carronades. She was, therefore, superior to the Wasp, by exactly four twelve-pounders. The number of men on board, as stated by the officers of the Frolic, was one hundred and ten—the number of seamen on board the Wasp was one hundred and two; but it could not be ascertained, whether in this one hundred and ten, were included the marines and officers; for the Wasp had besides her one hundred and two men, officers and marines, making the whole crew about one hundred and thirty-five. What is, however, decisive, as to their comparative force, is, that the officers of the Frolic acknowledged that they had as many men as they knew what to do with them, and in fact the Wasp could have spared fifteen men. There was, therefore, on the most favourable view, at least an equality of men, and an inequality of four guns. The disparity of loss was much greater. The exact number of killed and wounded on board the Frolic could not be precisely determined; but from the observations of our officers, and the declarations of those of the Frolic, the number could not be less than about thirty killed, including two officers, and of the wounded between forty and fifty, the captain and second lieutenant being of the number. The Wasp had five men killed, and five slightly wounded.

All hands were now employed in clearing the deck, burying the dead, and taking care of the wounded, when Captain Jones sent orders to Lieutenant Biddle to proceed

to Charleston, or any southern port of the United States ; and, as a suspicious sail was seen to windward, the Wasp would continue her cruise. The ships then parted. The suspicious sail was now coming down very fast. At first it was supposed that she was one of the convoy, who had all fled during the engagement, and who now came for the purpose of attacking the prize. . The guns of the Frolic were therefore loaded, and the ship cleared for action ; but the enemy, as she advanced, proved to be a seventy-four, the Poitiers, Captain Beresford. She fired a shot over the Frolic ; passed her ; overtook the Wasp, the disabled state of whose rigging prevented her from escaping ; and then returned to the Frolic, which could of course make no resistance. The Wasp and Frolic were carried into Bermuda.

On the return of Captain Jones to the United States, he was every where received with the utmost demonstrations of gratitude and admiration. Brilliant entertainments were given him in the cities through which he passed. The legislature of his native state appointed a committee to wait on him with their thanks, and to express the "pride and pleasure" they felt in recognising him as a native of their state : in the same resolution they voted him an elegant piece of plate, with appropriate engravings. The Congress of the United States, on motion of Mr. J. A. Bayard, of Delaware, appropriated 25,000 dollars, as a compensation to Captain Jones and his crew, for the loss they sustained by the re-capture of the Frolic. They also ordered a gold medal to be presented to the captain, and a silver one to each of his officers.

Various other marks of honour were paid by the legislatures and citizens of different states ; but the most substantial testimony of approbation which he received, was the appointment to the command of the frigate Macedonian, captured from the British.

The war having been concluded by the treaty of Ghent, a short respite from the thunder of cannon only was left him ; for in the summer of 1815, in this ship he sailed under Commodore Bainbridge, in the squadron that followed Decatur's to the Mediterranean, to curb the insolence of the Dey of Algiers.

When the squadron arrived in that sea, its officers were mortified to find themselves deprived of their expected honours, by the treaty previously effected by Decatur with that power, and the pacific demeanour of the others before its arrival. Taking the circuit of that sea, the squadron, finding affairs in a favourable state, returned to the United States, at Newport, Rhode Island, on the 15th of November, 1815.

Captain Jones is still in commission, is deemed a first rate officer and disciplinarian, and an honour to the American navy.

ISAAC HULL

WAS born at Derby, in Connecticut, about ten miles from New Haven. After receiving a school education, he adopted the profession of a seaman, in which he afterwards became master of a vessel. He was in this situation at the first establishment of the navy, and, at that time, received the appointment of a lieutenant. He always ranked high as an excellent seaman; an attentive and vigilant officer. It is only since the declaration of the war with Great Britain, that Captain Hull has become an object of public attention by two brilliant exploits; the one exhibiting an instance of admirable skill as a seaman, and the other, of his gallantry as an officer.

Leaving Chesapeake Bay on the 12th of July, 1812, in the Constitution, of forty-four guns, he, on the 17th, fell close in with a British squadron, consisting of one ship of the line, four frigates, a brig and a schooner, the nearest frigate within gun shot. It was a dead calm, and the only headway to be made was by towing. The enemy attached all his boats to two frigates, and by so doing, gained on the Constitution, so as to bring some of his bow guns to bear on her. In this situation they continued all day, the Constitution occasionally firing her stern chasers; and it

was not until the next morning that a light breeze enabled her to escape from an enemy so much superior in force, as to render a contest desperate. The whole chase lasted sixty hours, and during all that time the gallant crew remained at their stations without a murmur. Nothing can evince a more decided superiority of activity and skill on the part of the Americans, than this extraordinary escape from two frigates, towed by the boats of a squadron of seven vessels. It is related on good authority, that the enemy himself expressed his admiration of the skill with which Captain Hull manœuvred his vessel, and effected his escape.

The public notice taken of this affair, and the praises bestowed on Captain Hull, induced him, on arriving at Boston, to insert the following card in the books of the Exchange Coffee-House.

“Captain Hull finding that his friends in Boston are correctly informed of his situation, when chased by the British squadron off New York, and that they are good enough to give him more credit for having escaped it than he ought to claim, takes this opportunity of requesting them to transfer their good wishes to Lieutenant Morris and the other brave officers, and the crew under his command, for the very great exertions and prompt attention to his orders, while the enemy were in chase. Captain Hull has great pleasure in saying, that notwithstanding the length of the chase, and the officers and crew being deprived of sleep, and allowed but little refreshment during the time, not a murmur was heard to escape them.”

On the nineteenth of August, 1812, Captain Hull, with the same vessel, the same officers, and the same crew, fell in with a large frigate, which struck to him, after a close action of thirty minutes. She proved to be his Majesty's ship the *Guerriere*, rated at thirty-eight guns, and carrying fifty; commanded by Captain J. R. Dacres, who some time before had politely endorsed on the register of a merchant ship, an invitation to Captain Hull to give him a meeting of this kind. We give the particulars of the action in his own words.

*United States' Frigate Constitution, }
off Boston Light, August 30, 1812. }*

SIR—I have the honour to inform you, that on the 19th instant, at two P. M. being in latitude $41^{\circ} 42'$ and longitude $55^{\circ} 48'$, with the Constitution under my command, a sail was discovered from the mast-head, bearing E. by S. or E. S. E. but at such a distance that we could not tell what she was. All sail was instantly made in chase, and soon found we came up with her. At three P. M. could plainly see that she was a ship on the starboard tack, under easy sail, close on a wind; at half past three P. M. made her out to be a frigate; continued the chase until we were within about three miles, when I ordered the light sails to be taken in, the courses hauled up, and the ship cleared for action. At this time the chase had backed his main-top-sail, waiting for us to come down. As soon as the Constitution was ready for action, I bore down with an intention to bring him to close action immediately, but on our coming within gunshot, she gave us a broadside, and filled away, and wore, giving us a broadside on the other tack, but without effect, her shot falling short. She continued wearing and manœuvring for about three quarters of an hour, to get a raking position, but finding she could not, she bore up, and run under her top-sails and jib, with the wind on the quarter. I immediately made sail, to bring the ship up with her, and five minutes before six, P. M. being along side within half pistol shot, we commenced a heavy fire from all our guns, double shotted with round and grape, and so well directed were they, and so warmly kept up, that in fifteen minutes his mizen-mast went by the board, and his main yard in the slings, and the hull, rigging and sails very much torn to pieces. The fire was kept up with equal warmth for fifteen minutes longer, when his main-mast and fore-mast went, taking with them every spar, excepting the bowsprit. On seeing this we ceased firing, so that in thirty minutes after we got fairly alongside the enemy, she surrendered, and had not a spar standing, and her hull below and above water so shattered, that a few more broadsides must have carried her down.

After informing you that so fine a ship as the *Guerriere*, commanded by an able and experienced officer, had been totally dismasted, and otherwise cut to pieces so as to make her not worth towing into port, in the short space of thirty minutes, you can have no doubt of the gallantry and good conduct of the officers and ship's company I have the honour to command. It only remains with me to assure you, that they all fought with great bravery; and it gives me great pleasure to say, that from the smallest boy in the ship, to the oldest seaman, not a look of fear was seen. They all went into action, giving three cheers, and requesting to be laid close alongside the enemy.

Enclosed I have the honour to send you a list of killed and wounded on board the *Constitution*, and a report of the damages she has sustained; also a list of the killed and wounded on board the enemy, with his quarter bill, &c.

I have the honour to be, with very great respect,
Sir, your obedient servant,

ISAAC HULL.

The Honourable Paul Hamilton, Esq.

Return of killed and wounded on board the United States' frigate *Constitution*, Isaac Hull, Esq. Captain, in the action with his Majesty's ship *Guerriere*, James R. Dacres, Esq. Captain, on the 20th day of August, 1812.

Killed.

William S. Bush, first lieutenant of marines. Jacob Sage, Robert Brice, John Brown, James Read, Caleb Smith, James Ashford, seamen.

Wounded.

Charles Morris, first lieutenant, dangerously. John C. Alwyn, master, slightly. Richard Dunn, seaman, dangerously. George Reynolds, Daniel Lewis, Owen Taylor, ordinary seamen, dangerously. Francis Mullen, marine, slightly.

Recapitulation.

Killed.—One lieutenant of marines, and six seamen—
Total killed, 7.

Wounded.—Two officers, four seamen, and one marine
—Total wounded, 7.

Total killed and wounded, 14.

The loss on board the *Guerriere*, is stated to be fifteen killed, sixty-two wounded, and twenty-four missing.

After the affair of the *Guerriere*, Captain Hull was employed in superintending the building of a seventy-four at Portsmouth, N. H. Captain Hull married a lady of Connecticut. He is an able officer, a good disciplinarian, and an honour to the American service.

Soon after the close of the war, Captain Hull was appointed Superintendent of the Navy Yard at Boston. He was afterwards removed to Philadelphia, and subsequently placed in office as Navy Commissioner, at the seat of government. His present residence is in Washington city, where, we understand from unofficial sources, he is now a Navy Yard Superintendent.

We have already given brief sketches of the heroes of the late war, some of whom had "acted well their part" in the revolutionary struggle. The following are sketches of persons who acted only in the revolution, or in that and the French war, which resulted in the conquest of Canada, by the British and Provincials, the latter of whom belonged to the colonies, which have since become the "United States." That these should have a place among these biographical notices, is so obvious, that not a syllable of apology for their insertion, can by any possibility be required. We give the "pith and marrow" of those notices which most readily occur. Washington is omitted, for the best of reasons—his biography is every where—he is well known as "First in war, first in peace, and first in the hearts of his countrymen."

JOSEPH WARREN.

THIS was the first officer of distinction who immolated himself on the altar of freedom, at the dawn of the revolution, which ended in the recognition of the Independence of the thirteen United States of America, by Great Britain.

The passage of the celebrated Stamp Act, in 1765, caused a lively sensation throughout the colonies in regard to the ulterior views of the British government. Dr. Warren, among others, from that period regarded every movement of the mother country with a steady eye. His active mind embraced a wider range than the limited pursuits of his profession, hence we find him foremost on every occasion to arrest the progress of usurpation, which had made such strides as to induce a number of influential men to begin a secret caucus in 1768 at each other's habitations, for the discussion of political affairs. The ill-judged measures of the British cabinet served only to blow into a flame the embers of discontent which a too early developement of sinister objects had engendered. The discharge of musketry on an unarmed assemblage of citizens, on the 5th of March, 1770, by a regular soldiery, which caused the death of five Bostonians, was a deplorable event, that, while it reflected in more glaring refulgence the abuse of power, served only to goad the multitude to a determined resistance to such encroachments.

While the crown found but few adherents, excepting its immediate dependants, the colonists were divided into two parties. The Doctor was among that class of decided and bold politicians, who contemned the sending of reiterated petitions to the Court of St. James, and who dreaded not the partial evils of war, while its anticipated success would eventuate in lasting benefits to future generations. The other party was composed of *moderate*

whigs, who depended more on the efficacy of their petitions, than on an early and efficacious use of the physical powers which God and nature gave them. They dreaded temporary evil, more than they prized lasting good. Hence, the greatest caution and policy became necessary to be observed by the members of the caucus, whose objects were to unite the temporary murmurings of the *moderates* with their own measures of a general opposition. The Doctor opposed every sort of taxation which was not laid on the governed by the consent of their immediate representatives, and was always of opinion that, if the ill-fated policy of Britain should lead to acts of open hostility, the colonies were capable of fighting their own battles. His constant declaration was, that we ought to make any sacrifice rather than submit to arbitrary power, or be so mean and pusillanimous as to tremble at the rods which would always be shaken over us.

The secret caucus was partly composed of men in public office. Its meetings had a silent influence on public opinion. In 1772 it was judged advisable to increase its number, to invite a number of mechanics to join them, and hold a *conclave* for the public good. Thus constituted, they held their first meeting in Boston in a house near the North Battery, at which more than sixty persons were present. Their regulations were drawn up by Dr. Warren and another gentleman. The Doctor and his select friends were consulted on all occasions, such was the estimation and deference shown to their opinions. Their policy led them to call many of the most respectable mechanics together, and always place for Moderator one of the most influential of that class of citizens over a number of the most respectable whigs who were generally present.

In the years 1772 and 1775, Doctor Warren was chosen town orator to commemorate the massacre of the 5th of March, 1770. His powers of eloquence on these occasions were particularly conspicuous, while their publication evinced his superior talents in fine composition.

In 1774 he was chosen a representative from Boston to the first provincial Congress of that province; and that

august body evinced the estimation in which they held him by electing him to preside in their councils.

After the destruction of the tea, the place where the secret committee had steadily met for the two years preceding, becoming known, and deeming their measures no longer necessary to be kept secret, they changed their sittings in the spring of 1775, to the sign of the Green Dragon, where they were met by an equal number from the south end of the town. In this place it is said their proceedings are still preserved.

Doctor Warren was present at the conflict at Lexington, and was said to be the most active man on that field, animating every where, by his presence and example, his countrymen to avenge their wrongs on that memorable occasion. From this period he appears to have taken a most active part in embodying troops, and assisting to bring the new raised army into discipline. Thus his labours were divided between the cabinet and the field, to the material injury of his private affairs.

The affair at Lexington having brought things to the crisis, the provincial Congress of Massachusetts chose Dr. Warren, their president, on the 14th of June, 1775, the second major-general in their own forces, two days prior to the election of General Washington by the general Congress, as commander-in-chief.

He went from Cambridge to assist as a volunteer in throwing up intrenchments, by a detachment of one thousand men, under Colonel Preston, in the vicinity of Boston. These were directed to be done on Bunker's hill, which from its very eligible situation would most annoy the British shipping, the more effectually to block up the British troops in that town. This hill is high and large, and situated at the entrance of the peninsula of Charlestown, the possession of which was of the utmost importance to either of the contending parties. The orders for its occupancy were issued by the provincial Congress on the 16th of June. By some mistake Breed's hill was chosen, which was high and large like the other, but situated on the farther part of the peninsula, next to Boston. The hour of midnight was witness to the commencement of the

American intrenchments, and the dawn of the 17th, presented to the view of the astonished British a redoubt of eighty rods square. The works were thrown up in the most profound silence. The Captain of the Lively, man-of-war, was the first who saw, and by the firing of his guns about four in the morning, called the British fleet and camp to behold the Herculean labours of those they esteemed their pigmy foes. The occupancy of this post was judged of such importance by General Gage, as to attempt to dislodge the Americans from it. This he effected by a dear bought victory, a victory which in its consequences was worse to him than a defeat. The reserve of the American fire, until the near approach of the British, carried such slaughter through their ranks as thrice to repel them, and thrice they returned to the work of death; and, had not the ammunition of the Americans been expended, of this engagement the bloodiest tale in British history would have been told.

The particulars of this engagement, though highly interesting, we must here omit, as its details are in our school books, and easily obtained.

Ramsay, in his elegant history of the American revolution, sums up his character, by observing, "that to the purest patriotism and most undaunted bravery, he added the virtues of domestic life, the eloquence of an accomplished orator, and the wisdom of an able statesman. Nothing but a regard to the liberty of his country induced him to oppose the measures of government. He aimed not at a separation from, but a coalition with, the mother country. He took an active part in defence of his country, not that he might be applauded and rewarded for a patriotic spirit, but because he was, in the best sense of the word, a real patriot. Having no interested or personal views to answer, the friends of liberty confided in his integrity. The soundness of his judgment and his abilities as a public speaker, enabled him to make a distinguished figure in public councils, but his intrepidity and zeal induced his countrymen to place him in the military line. Within four days after he had been appointed a Major-General, he fell a noble sacrifice to a cause he had

espoused from the purest principles. Like Hampden he lived, and like Hampden he died, universally beloved and universally regretted. His many virtues were celebrated in an elegant eulogium written by Dr. Rush, in language equal to the illustrious subject."

A monument was erected to his memory on Breed's hill, in Charlestown, on the spot, as nearly as could be ascertained, where the brave Warren fell. On the south side of the pedestal was an appropriate inscription, stating by whom, for what purpose, and at what time it was erected. This monument has since been demolished, and on its site now stands the unfinished "Bunker Hill Monument," on a much larger and more expensive scale. The corner stone was laid on the 17th of June, 1825, with due ceremonies, and, as this is considered rather as a national than a sectional enterprise, the inscription will probably embody all which was expressed by the other.

Perhaps the editor will neither find nor make a convert to his views, so far as these expensive exhibitions are concerned, but he has the right to express them, and he freely confesses his disapprobation of every waste of public money, while so many living objects want, not merely bread, but the knowledge which is essentially necessary to the perpetuity of our republican institutions, and the happiness of man.

RICHARD MONTGOMERY.

RICHARD MONTGOMERY was born in the north of Ireland, in the year 1737. His family was ancient and honourable. Gifted with an excellent genius, he received a classical education, after which he embraced the profession of arms. He was under General Wolfe, in Canada, and commanded a regiment at the siege of Quebec, when that gallant officer fell in the arms of victory, in 1759,

near the spot which he afterwards consecrated with his blood, gloriously contending for freedom in behalf of the United Colonies. After the conclusion of the war of 1756, he returned with his regiment to England, and resigned his command in 1772. In that year he retired to America, purchased an estate on the east banks of the river Hudson, about one hundred miles north of New-York, and married a Miss Livingston, daughter of Judge Livingston, one of the oldest and most respectable families in that province. Embracing the cause of the colonies in their contest with the mother country, he was appointed a Major-General, the second in rank of eight who were chosen by the provincial Congress in 1775; and in the fall of that year the command of the continental forces was intrusted to his charge, in conjunction with General Schuyler: but the latter falling sick, he succeeded to the chief command in October. He captured Fort Chamblee, distant about six miles from St. John's, by which he obtained six tons of gunpowder, which enabled him to prosecute the siege of the latter place with vigour.

In consequence of the defeat of Governor Carlton, who was expected to assist the besieged, St. John's surrendered, and the garrison marched out with the honours of war. General Montgomery pushed forward to Montreal, which he entered on the day succeeding that on which the governor of the province had left it. The inhabitants of this city applied to the general for a capitulation; which, as it was considered in a defenceless state, could not be granted; but they were informed that their individual and religious liberties would be protected. With the most flattering prospects in favour of the cause of the provinces, General Montgomery projected and caused to be raised a regiment of Canadians to be paid by Congress, who were put under the command of James Livingston, a native of New-York, who had resided a long time in Canada. They were raised for twelve months. The friendly dispositions of the inhabitants on both sides of the river St. Lawrence was so manifest, that expresses from the provincials in Montreal passed and re-passed between that city and Quebec uninterrupted; and eminent services were ren-

dered them by individuals in the advancement of specie and furnishing of supplies. Notwithstanding his success, he found his situation embarrassing, on account of the character of the troops he had to command; want of discipline and a licentious spirit were too prevalent. Montgomery, however, encountered every hardship and difficulty. Leaving a few troops in Montreal, he despatched several detachments into the province, encouraging the Canadians to forward provisions, and proceeded with expedition to Quebec. He formed a junction at Point-Aux-Trembles with Colonel Arnold, who had been despatched through the wilderness with a body of troops from the American army at Cambridge. The combined forces commenced the siege of the capital on the first of December, prior to which General Montgomery sent a summons to Governor Carlton, to surrender, in order to avoid the horrors of a storm. The flag was fired on, and returned. Means, however, were devised, by which the summons was conveyed to the inhabitants, but Carlton evinced astonishing inflexibility and firmness of mind on this trying occasion. The bombardment was soon after begun from five small mortars, but with very little effect. In a few days General Montgomery opened a six gun battery about seven hundred yards distant from the walls, but his pieces were of too small calibre to make any impression. Convinced that the siege must soon be raised, or the place be stormed, the general decided on the latter, though he esteemed success but barely within the grasp of possibility. He was induced to adopt this measure in order to meet the expectations of the whole colonies, who looked to him for the speedy reduction of that province, which would be completely accomplished by the capture of the capital. The upper town was strongly fortified, the access to which from the lower town was very difficult, on account of its almost perpendicular steepness. His confidence in the ardour of his troops and a thirst for glory, induced him to make the assault, or perish in the attempt. The garrison of Quebec, consisted of about fifteen hundred and twenty men, viz. eight hundred militia, four hundred and fifty seamen, and the remainder marines, and regulars of Colonel

M'Lean's newly raised regiment of emigrants. The Americans only eight hundred.

The siege having been for some time ineffectually continued, the last day of the year was determined for the assault. The morn was ushered in with a fall of snow. The general divided his little force into four detachments. Colonel Livingston, at the head of his Canadians, was directed to make a feint against St. John's Gate, and Major Brown, another against Cape Diamond, in the upper town, while himself and Arnold should advance against the lower town, the first object of real attack. Having passed the first barrier, he was on the point of attacking the second, at the head of the New-York troops, along the St. Lawrence, when the only gun that was fired from the battery of the astonished enemy, killed him and his two aids. The spot where they fell was under Cape Diamond, a little above Fraser's Wharf, on a little rising ground, whence they rolled into the river on the ice formed along its sides. A party was sent out the next morning to bury the dead, when his body was found, and taken to the prison where the Americans were confined. They had ere this denied his death from motives of policy. They now acknowledged him, and gave vent to their sorrows by bursting into tears.—He was buried that night by a few soldiers, privately, at the corner of the Powder-house, near Port Louis.

Arnold's party had pushed on with success until the general's fall, when a retreat was immediately ordered by Colonel Campbell, on whom the command devolved, which enabled the besieged to direct their undivided force against that division, which, by this ill-judged act of Campbell, were compelled to surrender to superior force. Had the assault been continued, instead of a retreat, every human probability was in favour of the success of the American arms.

The news of Montgomery's death produced universal regret. In pursuance of a resolve of Congress to do justice to his memory, the late Dr. William Smith, for many years provost of the college of Philadelphia, delivered a funeral eulogium before that honourable body, in Philadelphia, on

the 19th February, 1776. To abler hands it could no have been committed.—It was executed in a style of truly classic elegance. Even the British prime minister inadvertently paid the deceased hero a handsome panegyric, in exclaiming, “*Curse on his virtues, they have undone his country !*”

By direction of Congress an elegant marble monument, with appropriate emblematical devices, executed by a Mr. Caffieri, at Paris, was erected in front of St. Paul’s Church, in New-York, in 1785, on which is the following inscription :

THIS MONUMENT
IS ERECTED
BY THE ORDER OF CONGRESS,
25th January, 1776,
TO TRANSMIT TO POSTERITY
A GRATEFUL REMEMBRANCE OF THE PATRIOTISM,
Conduct, Enterprise, and Perseverance, of
MAJOR-GENERAL
RICHARD MONTGOMERY,
Who, after a series of successes, amidst the most
discouraging difficulties, fell, in the attack on
QUEBEC,
31st DECEMBER, 1775,
Aged 37 years.

The retreat of Montgomery’s army from Canada was effected in good order under General Sullivan, who made a stand at Crown Point.

One of Montgomery’s Aids-de-Camp, who fell with him, was a young gentleman of Philadelphia, named M’Pherson, who had a brother an officer in the British army.

DANIEL MORGAN.

THIS gentleman’s father was a native of Wales, who emigrated to this country, and settled in New Jersey, where the general was born ; whence, in early life, he removed to Virginia, and pursued the avocation of a wagoner for his subsistence. Between the ages of twenty and thirty, he was much addicted to gaming and drinking, which

involved him in many combats, wherein he evinced that daring and adventurous spirit, which marked the career of his future life.

By a rigid economy, he was enabled to purchase a team for himself, which he continued to drive till 1755, when he entered the army, in the expedition under the unfortunate General Braddock, in what capacity is now unknown. During this period he was charged by a British officer with contumacy towards him, for which he was tried, found guilty, and sentenced to receive five hundred lashes, which was put in execution. Some time afterwards, the officer discovered Morgan's innocence, begged his pardon, and obtained his forgiveness.

After Braddock's defeat, he left the army, returned home, and resumed his former business, with the fruits of which he purchased a lot of ground in Frederick county, whereon he subsequently built an elegant mansion house, which he called Saratoga, in honour of the capture of Burgoyne in 1777, in which he bore a distinguished part.

During the revolution, he used frequently to laugh at the affair of his being flogged, and tell the British officers, whom the fortune of war had thrown in his way, that his Britannic Majesty was indebted to him one lash, for the drummer having miscounted, he received only four hundred and ninety-nine, instead of five hundred, the number which he had been sentenced to receive.

In the commencement of the revolutionary contest between Great Britain and her colonies, he was appointed to command a troop of cavalry, raised in defence of the rights of the latter, against the usurpation of the mother country. In this corps were men who afterwards rose to distinguished honours. With it he joined the American army at Boston, whence he was detached by General Washington, to the expedition of General Arnold against Quebec.

In the early part of the attack on that city, Arnold was wounded in the arm, and carried off the field, when his command devolved on Morgan, who, with his little Spartan band, passed the first barrier, and had mounted the second, when the fall of the lamented Montgomery check-

ed his career of expected glory, and he was compelled to surrender to superior force. While a prisoner, he was offered the rank and emolument of a Colonel in the British service. He begged the officer who made him the offer, never again to insult his misfortunes in so degrading a manner.

Soon afterwards he was exchanged, when he repaired to the American standard, and received the command of a select rifle corps, by General Washington's recommendation, who, though in want of his services, judged it prudent to detach him to the assistance of General Gates. That general having, after the fall of Ticonderoga, succeeded General St. Clair, appeared unable to check the career of Burgoyne, in whose subsequent capture Morgan particularly distinguished himself, notwithstanding which, Gates, in his official communication of that event to the American government, passed his services unnoticed.

On the northern frontiers of New Jersey his brother resided, whom he had not seen for many years, and who he learnt was in extreme indigence. On his return from Saratoga, he left his troops a few days, and went twenty miles out of his way to see him. During this visit he slept on the bare floor, his brother having but one bed in the house, which the General refused to occupy, on account of the indisposition of his sister-in-law. He offered his brother a good farm if he would remove with him into Virginia, which, from strong local attachments, his brother declined.

He then proceeded to the main army, where the most hazardous enterprises were committed to him for execution.

He was placed with a command, in the winter of 1777, on the west side of Schuylkill, to prevent the country people from supplying the British with provisions.

The eclat which Gates gained by the capture of Burgoyne, induced Congress to invest him with the command of the armies in the southern states, in order, if possible, to retrieve the American affairs in that quarter. Notwithstanding the displeasure he manifested towards Morgan at Saratoga, on account of his failure in detaching the confidence of that officer from the commander-in-chief,

he strongly solicited Morgan to accompany him to his southern command, which was as strongly resisted, until Morgan's resentment was somewhat blunted by the reception of a brevet Brigadier-General's commission. He, however, did not join the southern army before Gates's discomfiture at Camden, which caused Congress to transfer the command of the south to General Greene, who fully retrieved the American affairs in that quarter.

To his command was committed a division composed of several corps destined for operations in the western quarter. They were, on their march, to be strengthened with mounted militia from Carolina and Georgia. His orders were to pass the Catawba, and take post in the country between Broad and Pacolet rivers, which, with corresponding dispositions, was to secure provisions for General Greene's army. During this march he received a part of the expected succour, and, after having passed Broad river, took a position near its confluence with the Pacolet. At the time Cornwallis learnt the dispositions of Morgan, General Greene was seventy miles on his right, and Morgan fifty miles on his left. Alarmed for the safety of Augusta and Ninety-six, Cornwallis despatched Tarleton with a body of troops, either to force Morgan to battle, or drive him back into North Carolina. Aware of Tarleton's advance, Morgan took his measures accordingly. The former gave his troops but little repose until he came up with the latter at the Cowpens, where he intended to give his adversary battle, which he wrongfully supposed to be the intention of Morgan to avoid, who halted his troops for repose, and determined to give battle when offered.

Tarleton's judgment being overruled by irritation of temper, he advanced at the dawn of day. Apprized of his movements, Morgan was duly prepared for action. The environs of Cowpens were covered with open wood, which permitted the cavalry to manœuvre with facility, and Tarleton's trebled Morgan's. The flanks of the latter had no resting place, and could be easily turned. Broad river was parallel in his rear, which prevented a safe retreat in case of discomfiture. As it was, his disposition for action

evinced his great capacity. Majors M'Dowell of North Carolina, and Cunningham of Georgia, were sent forward with two light bodies of militia to amuse the foe as he advanced, by keeping up a slow but well directed fire, and he fell back on the front line with which he was to range and renew the fight. General Pickens commanded the main body of the militia, of which this line was composed. Lieutenant-Colonel Howard commanded the second line, composed of two companies of militia, who had mostly been Continental soldiers, whose time of service had expired, under Captains Triplet and Taite.

Morgan addressed his troops, exhorting them, in appropriate language, to display their constancy and valour, and then took post in the line, awaiting in silence the advance of the enemy.

Gratified with the prospect of an engagement, and presuming on success, Tarleton hurried the disposition of his forces, which were not complete, when his line began to push forward, his reserve waiting for subsequent orders. Morgan's light troops quickly fell back, and ranged with Picken's, as they had been directed. After an obstinate contest on both sides, Tarleton was compelled to yield the palm of victory to a force inferior in number. On this occasion, Congress passed a resolve approbatory of the conduct of Morgan, his officers and privates, caused a gold medal to be presented to Brigadier-General Morgan, a sword to Brigadier-General Pickens, a silver medal to Colonels Howard and Washington each, and a sword to Captain Triplet. In this memorable battle of the Cowpens, Tarleton had every advantage in point of ground, cavalry, and numbers, aided by two pieces of artillery, of which his adversary had none. Profiting by this victory Morgan immediately began to fall back. He crossed Broad river on the evening of the day of battle, and proceeded by forced marches towards the Catawba. Morgan continued his route, and being joined by Greene with a few dragoons, effected the passage of that river, though keenly pursued by Cornwallis. Having been attacked by frequent rheumatic affections, on the retreat to Guilford Court-house, he intimated a wish to retire. A select duty had been

determined on, the performance of which was offered to him, but notwithstanding the most urgent solicitations to accept that command, after some hesitation, he finally declined, and obtained leave to retire on account of his health. He left the army at Guilford Court-house, and returned to his seat in Frederick, where he continued in retirement until the insurrection in the western parts of Pennsylvania, in 1794, when he was detached by the executive of Virginia, at the head of the militia quota of that state, to join the troops called out by the President of the United States, to smother discord in its embryo. When the main army withdrew, he was left in command in the disaffected districts, until the spring of 1795, when, by the order of President Washington, he disbanded his troops, and afterwards returned to the bosom of his family. Having by long and arduous services established his character as a soldier, he now embarked in another sphere. He offered himself as a candidate to represent the Congressional district, in which he resided, in the House of Representatives of the United States. Baffled in his first attempt, his second succeeded, and having served out his constitutional term, he declined a re-election. On account of his ill health, and a gradual decay of his constitution, he removed from Saratoga, his seat in Frederick, to Berresville, or as it has been called, Battletown, the scene of his early life, and thence to Winchester, where death closed his earthly career in 1799. His education was circumscribed, which necessarily limited the sphere of his acquirements. In private life he was amiable and sincere. He was not a rigid disciplinarian, but governed more by confidence than by command. He was of an enterprising disposition, but calm and collected in the hour of danger; prone rather to forgive than resent injuries; but resentful of indignities.

The medal voted him by Congress, the die of which was prepared by DUPRE, at Paris, contains the following inscriptions; near the periphery, on one side,

DANIELI MORGAN DUCI EXERCITUS.

In the centre, a figure in the garb of an Indian is repre-

sented crowning this hero with a wreath of laurel ; at the base,

COMITIA AMERICANA;
on the reverse,

VICTORIA LIBERTATIS VINDEX;
a display of the engagement, then,

FUGATIS, CAPTIS, AUT CÆSIS, AD COWPENS, HOSTIBUS,
XVII JAN. MDCCLXXXI.

JOHN BARRY.

THE father of the Commodore, was a respectable farmer in Wexford county, Ireland, where his son, the subject of this memoir, was born in the year 1745. After having received the first elements of an English education, to gratify his particular inclination for the sea, his father entered him in the merchant service. When about fifteen years old, he arrived in Pennsylvania, and selected it as the country of his future residence.

In reviewing the causes, which led to hostilities between Great Britain and her colonies, Barry was satisfied that justice was on the side of the latter. He therefore engaged under the banners of freedom, and resolved to devote his best exertions to the emancipation of the colonies from the thralldom of the mother country.

Confiding in his patriotism, Congress, in February, 1776, a few months prior to the declaration of Independence, appointed him commander of the brig *Lexington*, of sixteen guns, and his was the first *continental* vessel, which sailed from Philadelphia. His cruises were successful. Congress had caused to be built three large frigates, one of which was called the *Effingham*, to the command of which he was appointed, immediately after that memorable era, which gave to the United States a name among the nations of the world. During the following winter, as his naval employment became nugatory, in consequence

of the inclemency of the weather, he, from an aversion to inactivity, became a volunteer aid, in that season of peril, to the intrepid General Cadwallader.

Philadelphia and the forts on the Delaware fell into the hands of the British, in the following year, 1777, and Commodore Barry, with several vessels of war, made good his retreat up the river, as far as Whitehill, where, however, they were afterwards destroyed by the enemy.

Prior to the destruction of these vessels, he successfully employed those under his command in annoying the enemy and cutting off their supplies.

After the destruction of the American squadron, and soon after the capture of Philadelphia, he was appointed to command the Raleigh, of thirty-two guns, which, on a cruise, was run on shore by a British squadron on Fox Island, in Penobscot bay.

Subsequent to the above disasters, he commanded a vessel commissioned with letters of marque and reprisal, and engaged in the West India trade for some time.

When Congress concluded to build a seventy-four gun ship in New Hampshire, he was ordered to command her. It was, however, afterwards determined to make a present of this vessel to his most Christian Majesty, when that august body gave him the command of the Alliance frigate.

The situation of American affairs becoming important, in a foreign point of view, Colonel John Laurens, of South Carolina, son of Henry Laurens, then a prisoner in the tower of London, was ordered to France on a special mission. Commodore Barry sailed in the Alliance from Boston for L'Orient in February, 1781, having the minister extraordinary and suite on board. After landing the ambassador and suite at L'Orient, in the early part of the same year, the Alliance sailed on a cruise.

On the 29th of May following, at day-light, Commodore Barry discovered a ship and a brig on his weather bow, appearing afterwards to wear the British flag. He consequently prepared for immediate action. The British ship proved to be the Atalanta, Captain Edwards, of between twenty and thirty guns, and the brig Treposa, Captain

Smith. An action shortly commenced, and by three P. M. both vessels struck. Barry was wounded early in the engagement; but notwithstanding his sufferings, in consequence of this casualty, he still remained on deck, and it was owing to his intrepidity and presence of mind, that the Alliance was the victor.

On December 25th, 1781, he sailed in the Alliance for France, from Boston, having on board the Marquis de la Fayette and Count De Noailles, who were desirous of going to their native country on business of the highest importance. He had scarcely arrived at his destined port, when he sailed in February, 1782, on a cruise, during which he fell in with an enemy's ship of equal size, and had a severe engagement. The enemy would have been captured, but for two consorts, which, however, were kept at a distance during the action by a French fifty gun ship, which hove in sight. The continental ship Luzerne, of twenty guns, had her guns thrown overboard before the battle began, in order to facilitate her escape, as she had a quantity of specie on board from Havana, for the use of the United States. The captain of the British frigate, who was soon after advanced to be Vice-Admiral of the red, acknowledged, that he had never received a more severe flagellation than on this occasion, though it seemed to have had the appearance of a drawn battle.

During the time that General Lord Howe was the British Commander-in-chief, he attempted to alienate the Commodore from the cause which he had so ardently espoused, by an offer of twenty thousand guineas, and the command of the best frigate in the British navy; but he rejected the offer with scorn. The return of peace, however, in the year 1783, put an end to all such dishonourable propositions, and our Commodore returned to private life.

In 1797, it was deemed proper by the American government to annul the consular convention with France, the pretext for which was French aggression on American commerce. During the maritime disturbance thus created between the two countries, Mr. Barry was actively en-

gaged in protecting the commerce of his adopted country, and was held in the highest estimation by his nautical brethren. When this dispute was at last satisfactorily adjusted, a law was passed, during the last year of Mr. Adams' administration, for reducing the navy, in consequence of which the vessel he commanded was laid up in ordinary, and he once more returned to private life.

Bold, brave, and enterprising, he was, at the same time, humane and generous. He was a good citizen, and greatly esteemed by all who had the pleasure of his acquaintance. His person was above the ordinary size, graceful and commanding, his deportment dignified, and his countenance expressive.

He died in Philadelphia, on the 30th of September, 1803, and a vast concourse of his fellow citizens testified their respect to his memory, by attending his remains to the silent grave.

JOHN MANLY.

JOHN MANLY was born in Massachusetts, in the year 1733. After having received the first rudiments of education, he embraced a maritime life. From the eminent reputation which he had acquired for his professional merit, and his attachment to the cause of the colonies against the unjust aggressions of the mother country, the new government, on the recommendation of the illustrious Washington, commissioned him as a Captain in their navy, on the 24th of October, 1775. In the schooner *Lee*, he made many captures, of the greatest importance, and notwithstanding his hazardous situation, he did not skulk into port; but continued to cruise within the limits assigned him, during the whole winter. One of his captures led to the evacuation of Boston by General Gage. This was a large brig, which was laden with ordnance and other munitions of war, of which the colonists were

much in want: but from what was taken in this one vessel they were supplied with heavy ordnance, mortars, and the working utensils, necessary for offensive or defensive operations. In consequence of his acknowledged services he was promoted to command the frigate Hancock, of thirty-two guns. On a cruise with this vessel, he met a frigate belonging to the enemy, and engaged her. After a short contest, he boarded and succeeded in taking her. She proved to be his Britannic Majesty's vessel of war, called *The Fox*. On the 8th of July, 1777, he was captured with his prize, by the British frigate *Rainbow*, of forty guns, and sent into Halifax, Nova Scotia, where he endured a rigorous confinement on board of that ship, and in Mill prison, until he was exchanged in the early part of the autumn of 1782. In September of that year, he was intrusted with the command of the Hague frigate, with which he sailed for the West Indies. A few days after leaving Martinique, he was descried by a British seventy-four, and to avoid capture he run his ship on a sand bank, in the rear of Guadaloupe. The chasing ship was joined by three line of battle ships. These four advanced within point blank shot distance, and having springs on their cables, opened on the Hague a most furious cannonade, which was supported with the most undaunted firmness, for three days; on the fourth, Manly succeeded in getting his vessel off the bank, fired thirteen guns in token of defiance, and made his escape.

Having arrived at Boston, one of his officers preferred a variety of charges against him, in consequence of which he was arrested, and underwent the ordeal of a court-martial. Of the nature of the charges, the public have not been made acquainted; but the report of the court conveyed in part a justification of some of the allegations. It does not appear, that he was ever in command after the peace, which now succeeded. A vindication of his conduct was promised, in the publication of his memoirs. Whether they were prepared for publication is unknown; but they never appeared. He resided in Boston, in the pursuits of private life, until February 12, 1793, when he deceased, in the 60th year of his age. His remains were

attended to the grave by a large concourse of his fellow citizens, who thus testified their regard to his memory, for the eminent services which he had rendered his country, in the trying hour of peril and adversity.

BARON DE KALB.

It appears no more than justice due to departed worth, to number among the worthy heroes of a nation, those who, though of foreign birth, have offered up their existence on the altar of its liberties.

Of the early life of Baron de Kalb, nothing of consequence is known in the United States. In a social conversation with General Marion, a few days prior to General Gates's defeat at Camden, he informed that officer, that he was then sixty-three years old; that his father and mother were then living, and that he was born about three hundred miles from Paris. This would give 1717 as the year of his birth, and Alsace, on the confines of France and Germany, near the Rhine, as the place of his nativity. He had been forty-two years in the French army, consequently he must have entered it at the age of twenty-one. In the war of 1755, he was supposed to have been in the Quartermaster-General's department in the army of his most Christian Majesty, who was then acting in unison with the Imperialists. Prior to the peace, which followed, he confessed that he had travelled through the territories of the British colonies, in a concealed character. This, and some other concurring circumstances, have induced the belief, that he was despatched by the cabinet of Versailles, to ascertain the existing state of things in that section of the British empire. Possessed of a strong and retentive memory, he committed none of his observations to paper, during these peregrinations, but trusted solely to recollection. His caution in this respect was his preservation; for, before the conclu-

sion of the war, he was arrested on suspicion, and had any papers been found about him sufficient to confirm this suspicion, the fate of detected espionage awaited him; but he was dismissed. He often expressed his astonishment at the mad policy pursued by the British cabinet, towards the provincials, as, in his passage through the country, he had a full opportunity of witnessing the firm attachment of the inhabitants towards the parent realm. At the peace, which succeeded the conquest of Canada and Acadia, he returned to France, in whose armies he had been advanced to the rank of General of Brigade, and undoubtedly gave ample information to his court, respecting the object of his perilous mission; and it is highly probable, that the intelligence received from him, had great weight in deciding the course to be pursued by the French court, on the application of Doctor Franklin for assistance, when he appeared in the quality of ambassador from the revolted colonies. Owing to the favourable disposition of the cabinet of Versailles, the Baron again embarked for America, where he arrived either in 1777 or 1778. He joined the American army as a volunteer, and was shortly after promoted by Congress to the rank of Major-General, and despatched with a portion of the army from New Jersey to assist General Lincoln in the Southern states, where he was then Commander-in-chief.

In his progress, he encountered many difficulties; but such was his perseverance and zeal in the cause which he had espoused, that he surmounted them all. After he had effected a junction with General Lincoln, he continued to exert his best abilities, in behalf of the colonies, and when, in consequence of the capture of Charleston, the capital of South Carolina, Lincoln had become a prisoner, the command of the whole southern army devolved upon him. The circumstance of his being a foreigner, and but little acquainted with the English language, his supposed ignorance of the country, and the little knowledge he had of the temper of the troops, whom he now commanded, naturally involved him in great perplexity, and Congress, therefore, deemed it expedient by a resolve, dated June 13, to order General Gates to repair to that quarter, and

assume the command vacated by Lincoln's capture, and temporarily filled by the Baron. Gates, upon joining the Southern army, which was on the 24th of July, requested the Baron to continue the command of his division, and confirmed the standing orders, which the Baron had issued. The troops, with whose command he had been intrusted, for the relief of General Lincoln, were the Maryland and Delaware brigades, amounting to above fourteen hundred effective men. With these he marched from General Washington's head quarters at Morristown, New Jersey, April 16th. Having arrived at the head of Elk, he embarked in May, and shortly after landed in Petersburg, Virginia, whence he proceeded with as much celerity as possible for the object of his destination, receiving strength and removing obstacles in his march. De Kalb cheerfully complied with the request of General Gates, and continued in the post assigned him by Congress. Perhaps the Baron might have remained in the command, which had devolved upon him by the capture of Lincoln, had it not been for the celebrity Gates had acquired by the defeat of Burgoyne at Saratoga ; but it seems that fate had decreed, that the laurels he had gathered in a Northern clime, should wither under the scorching beams of a Southern sky. Colonel Otho H. Williams, gave the same wholesome advice to General Gates, when he assumed the command, as he had imparted to Baron de Kalb, fifteen days previous to Gates's arrival, and had it been pursued, it would have saved the mortifying defeat, which he and his army shortly after experienced, by his adoption of a contrary plan. Lord Rawdon had collected all his forces into Camden, within thirteen miles of which General Gates had advanced unmolested. At a place called Clermont, he gave out the order of battle for his premeditated attack on the position which was held by the enemy. This order of battle having been given, the Adjutant-General's return of the whole effective force under Gates, amounted to nine hundred continental infantry, rank and file, and seventy cavalry, exclusive of Colonel Porterfield's and Major Armstrong's light infantry, consisting of about two hundred and fifty, and Colonel Amand's

legion of one hundred and twenty men ; giving an aggregate acquisition of three hundred and seventy, besides a few volunteer cavalry. A detachment had been sent off to the assistance of Colonel Sumpter, which was also not included in the Adjutant-General's report. General Lord Cornwallis, unexpectedly to Gates, arrived at Camden, and of course superseded Lord Rawdon in his command. The Americans had advanced about half way to Camden, by about half past two A. M. on the 16th, when a firing began by the advance of each army, both Generals having been desirous to bring on an engagement. Some of Colonel Amand's cavalry were wounded, and the others were thrown into disorder ; in consequence of which the Maryland regiment in front of the column was broken, and the whole line put into confusion. By reason of this unexpected disaster, a council of war was called, to whom, on this intelligence having been communicated, General Stevens declared it as his opinion, that it was too late to retreat, to which no immediate reply being given, Gates ordered on to battle. Baron de Kalb, however, advised Gates to fall back to Rugely's mills, which was a very eligible position, and there wait the attack. Some expressions escaped from Gates on the occasion, which hurt the Baron's feelings, and induced him to give his horse to his servant, and take the command of his division on foot, and reply at the same time to Gates with some warmth, "Well, sir, a few hours more will let us see who are the brave." The Baron commanded the right wing of the army, which, with the reserve, had to sustain the whole heat of the action, in consequence of the flight of the left and centre. This wing was composed of the second continental brigade, consisting of Maryland and Delaware troops, and as no order had been given to retreat, the battle raged in this quarter with unabated fury, and the Americans even gained ground. When broken, they formed again and renewed the contest. The flight of their left and centre, with the Commander-in-chief, permitted Cornwallis to bend the whole of his strength against the right wing and the reserve. De Kalb and his officers performed prodigies of valour, and were most ably supported by the men under

their command ; but Cornwallis, charging with his cavalry and the bayonet, at once closed the contest. The Baron received eleven wounds and was taken prisoner, as was his aid-de-camp, Colonel De Buysson, who was also wounded, but remained with him, and announced his rank, at the same time begging the enemy to spare the Baron's life. The Baron expired in a short time, though he received the most particular attention from the British. He spent his last breath in dictating a letter expressive of the warmest affection for the officers and men of his division, of his being charmed with the firm opposition they made to superior force, when abandoned by the rest of the army—the greatest satisfaction in the testimony given by the British army of the bravery of his troops—of the pleasure he received from the gallant behaviour of the Delaware regiment, and the companies of artillery attached to the brigades, and of the endearing sense he entertained of the merit of the whole division he commanded.

He was buried in the vicinity of Camden, near the place where the battle was fought, which terminated his earthly existence. The spot that encircles his remains, has been enclosed, and over it has been placed a handsome marble, on which is sculptured an epitaph expressive of his worth and generous services, the expense of which was borne by the citizens of Camden.

Congress, to do honour to his memory, resolved, that a monument should be erected in Annapolis, Maryland, with the following inscription :

“Sacred to the memory of Baron de Kalb, Knight of the Royal Order of Military Merit, Brigadier of the armies of France, and Major-General in the service of the United States of America. Having served with honour and reputation for three years, he gave a last and glorious proof of his attachment to the liberties of mankind, and to the cause of America, in the action near Camden, in the State of South Carolina ; where, leading on the regular troops of Maryland and Delaware, against superior forces, and animating them, by his example, to deeds of valour, he was wounded in several places, and died the 19th of August following, in the forty-eighth year of his age. The Congress of the

United States of America, in acknowledgment of his zeal, of his services, and of his merit, hath erected this monument."

Congress must have been unacquainted with his age, and set it down at forty-eight at hazard, from his healthy appearance; for as has been already observed, he stated it himself to have been sixty-three. His extreme temperance enabled him to enjoy the bloom of youth, until he passed the barrier between time and eternity. In his diet he was very abstemious, and water was his only beverage. He usually arose at five in the morning, and devoted his time chiefly to writing, in profound secret. This occupation was seldom interrupted, except by his meals or official duties. He generally wrote in hieroglyphics, and was very cautious in endeavouring to prevent his papers from being exposed to public view. With an eye to this, he was ever careful of his baggage, and was therefore always desirous of being placed in the centre of the army, having an aversion to its wings, lest he might be taken by surprise. It was believed, that he did not take his papers with him from the central army, when he went into South Carolina, but that he committed them to the care of the French Ambassador, by whom they were after his death transmitted to his sovereign. His powers of mind were not of the highest order, and his literary acquirements were only moderate; but he excelled in a practical knowledge of human nature, and in the investigation of causes and effects.

WILLIAM HEATH.

THE Heath family emigrated to Massachusetts, and settled at Roxbury, in the vicinity of Boston, in the early age of that colony. Major-General William Heath was born on the 2d of March, 1737, O. S. on the family in-

heritance, and was of the fifth generation, on whom the estate devolved. His education was plain, and suited to agricultural pursuits. He was bred a farmer; but passionately fond of reading military works, which led him to become intimately acquainted with the profession of arms, to which he was greatly attached. In Boston, he was elected a member of the Ancient and Honourable Artillery Company, in 1765. Immediately after this, at the instance and solicitation of the colonel of the first regiment of Suffolk militia, he was commissioned by Governor Barnard, to command the colonel's company. He was subsequently chosen, and served first as lieutenant and afterwards as captain of that ancient and honourable corps, into which he had been first received.

A great intimacy and strong private attachment existed between Governor Barnard and Captain Heath, while the former remained in the government of the province, notwithstanding a difference of sentiment between them, on the troubles, which were then in embryo.

In the beginning of the year 1770, about the time of the Boston massacre, Captain Heath commenced a series of addresses to the public, signed, "*A Military Countryman.*" In these he particularly pointed out the importance of acquiring a knowledge of arms, and an acquaintance with military discipline. Governor Barnard, having been superseded by Governor Hutchinson, the latter, in re-organizing the Suffolk militia, left Captain Heath out of his command, in consequence of his known attachment to the colonial rights.

When the crisis had so far advanced, that the people of Massachusetts determined to choose their own officers, to prepare for the final appeal for redress of grievances, Captain Heath was chosen to command his old company in Roxbury, and by the officers of the Suffolk county first regiment of militia, promoted to be their colonel.

Immediately after the breaking up of the general court, a Provincial Congress was organized, who, among other committees, chose one of great importance in the then state of affairs, denominated "the Committee of Safety," vested with executive powers. Colonel Heath was ap-

pointed a member of that body, and entered on the duties assigned him with the greatest alacrity.

A sum of money having been voted, by the Provincial Congress, to procure munitions of war and provisions, quantities of each were purchased and deposited at Concord. In the mean time, the strictest attention was paid to instructing the militia in military discipline.

The Provincial Congress which then held their sittings at Cambridge, on the 9th of February, 1775, appointed Colonel Heath one of their generals. The generals thus appointed by the Committee of Safety, were authorized to oppose, with the militia under their respective commands, the carrying into execution the act of the British Parliament, *for the better regulation of the Province of Massachusetts Bay in New-England*. This was one of the most impolitic measures the British ministry could have adopted, and instead of producing the anticipated result, only served to blow into a flame the embers of discontent, which sound policy would have induced them to extinguish. A resistance to this act, and others, equally unwise and tyrannical, became ingrafted on the minds of the colonists as an imperious duty.

General Heath was actively employed in the fulfilment of the duties assigned him in his respective capacities, both as a member of the Committee of Safety, and as a general officer. Lexington and Bunker's-hill witnessed his devotion to the colonial rights. The day after the affair at Lexington, he appointed Mr. Joseph Ward, his aid-de-camp and secretary. General Ward, the first on the list of generals appointed by the Provincial Congress, arrived at Cambridge a day or two after the battle of Lexington, and assumed the chief command at that camp; while General Thomas commanded at Roxbury. The force with Thomas was considered too weak under existing circumstances, while the force of Ward was very numerous. In order to equalize the two camps, and to strengthen General Thomas's command, General Heath was ordered, with four regiments, to Roxbury, where he remained until July, after the Continental Congress had appointed Colonel Washington to the rank of command-

er-in-chief of all their forces, and he accordingly assumed his station sometime in that month.

In the organization of the army by the Continental Congress, General Heath was the fourth brigadier in numerical order, previous to which arrangement being known in camp, he had received, on the 21st of June, a commission of major-general from the Provincial Congress. While the Americans were fortifying themselves in Cambridge and Roxbury, they experienced the want of able engineers. It was about this time, that General Heath prevailed on Captain Henry Knox, of the Boston Grenadiers, to join the army. The disposition of Knox did not require much eloquence to induce him to engage in defence of those rights which were ever dear to his heart. He afterwards rose to the chief command of the artillery, and was deservedly high in public estimation throughout the war.

General Heath was ordered, on the night of the 23d of November, 1775, with a detachment to Cobble's-hill, to complete the works begun the preceding evening by a fatigue party under General Putnam. A sufficient force was sent by General Ward to protect them against molestation from the enemy. The spirit of opposition to unjust aggression was general. Its rapid spread inspired the incipient characters of the revolution, and a most heart-felt cheerfulness pervaded all ranks to brave the impending storm.

Remaining at his station on Cobble's-hill, and participating in its toils, fatigues, and dangers, he was detailed on the 18th of December, with a body of 300 men, to Leechmore Point, to prosecute a work which had been commenced there by his friend General Putnam, whom he was sent to relieve, within half a mile of a hostile ship of war. An eighteen pounder, which had been fired at this vessel by direction of the captain of artillery, from Cobble's-hill, which Heath had just left, compelled the enemy to weigh anchor and proceed beyond the reach of anticipated danger; otherwise the prosecution of those works would have been attended with bloody consequences, to alleviate which the surgical department at-

tending the American corps had been particularly attentive. While the work was going on, General Heath had pointed out to his men how to act, so as to receive the least possible injury from shells or cannon shot from the enemy's floating batteries in the adjacent waters. The anticipated shells and cannon shot were fruitlessly discharged, the witnessing of which induced the enemy to discontinue them. Heath was relieved, as Putnam had been, and his corps retired from the position uninjured and unmolested.

The grand army continued in the vicinity of Boston, occasionally skirmishing with the enemy, until the following March, 1776. The defensive works, which had been thrown up, during this period, were of much service. The conduct of the Americans was directed with so much vigour and spirit, that General Gage, with the British garrison, was obliged to evacuate Boston on the 17th of March. In their retreat, they destroyed all their munitions of war which were likely to be of service to the Americans. Among other acts of destruction, they blew up Castle William, and destroyed their barracks, and other buildings.

On the 20th of March, General Heath was despatched to New-York, with the troops under General Putnam, destined for the defence of that important position. During his stay in New-York, General Heath was inoculated with the small pox. The defences of New-York were rapidly proceeding. The unfavourable news of the termination of General Montgomery's expedition against Quebec, spread a partial gloom over the Americans. But this was, for some time, considerably diminished by the news of the favourable disposition of the inhabitants of that quarter of the continent.

About the latter end of June, a plot was discovered for the destruction of the Americans, and General Washington was to have been enveloped in their general fate. The mayor of that city, a gunsmith, and some foreigners, belonging to the guard of the commander-in-chief, were arrested on suspicion. This affair terminated with the death of one Hickey, belonging to the general's guard.

Preparations of defence were vigorously made, in consequence of the expected daily arrival of General Howe with a large hostile force. On the 29th of June a council of war was held. On the 30th the General-in-chief's lady left that city, and on the 2d of July the British fleet anchored in the waters of New-York Bay. On the 9th of the same month the Declaration of Independence was read at the head of the several brigades forming the American garrison, and received with the greatest eclat. During the sickness, which prevailed in the American camp in August following, General Heath's brigade lost their full portion. On the 11th of this month, Generals Spencer, Greene, Sullivan and Heath, respectively received from Congress commissions as major-generals, dated the 9th of the same month.

After his promotion, the command of the troops posted above King's-bridge, and of all troops and stations on the north end of York Island, was given him. On his way thither, he witnessed an attempt to destroy some enemy's vessels in the neighbouring waters, by fire-ships, which, had it not been for the inactivity of some of the American row galleys, would have produced the most serious consequences. This caused the British shipping to proceed lower down the Hudson.—While they were effecting this object, so necessary for their safety, they were briskly cannonaded from Fort Washington and the works below. They joined the fleet lying off Staten Island on the 18th of August, having sustained no material injury in passing the American batteries. The next day General Heath was advised of the intentions of the British by an express from the Commander-in-chief.

While the main body of the enemy were engaged in active operations on Long Island, a brig and two ships anchored a little above Throg Point; General Heath detached Colonel Graham with his regiment, to prevent any of their crews from landing. Several barges, however, had proceeded to New City Island, on which several persons debarked. Two companies were despatched from the regiment to the island. But the enemy made good their retreat to the shipping, carrying off only one mar-

and fourteen cattle. The rest of the stock on the island was secured. While this petty warfare was going on in this quarter, on the same day, the celebrated battle of Flatbush was fought, which eventuated in the defeat of the Americans. On the 28th, General Heath received a letter from General Washington, requesting him to send down to New-York all the boats, which could be spared from King's-bridge and Fort Washington. This request was fully honoured. The different operations of the enemy kept the General continually engaged in the duties of his station; but notwithstanding the exertion of his utmost skill and assiduity, the Americans were so incessantly harassed as to induce the Commander-in-chief to hold a council of war, at which General Heath assisted. The result was, that they determined, with only three dissentients, to abandon the city, which was effected without much loss. General Heath, previous to this, had established a chain of videttes at Morrisania, Hunt's, and Throg's Points, from whose activity he was speedily apprized of any movements of the enemy. The British took possession of New-York on the afternoon of the 15th of September. On the day following, some skirmishing took place on Harlaem heights, in which the Americans had the advantage. This affair might have led to a general engagement, as both armies were within distance to support their different corps who were thus engaged. In consequence of the deliberations of a council of officers, it was determined to increase the division of General Heath to ten thousand men, with a view of defending the several posts still remaining under his command, while Major-General Greene was to command a flying camp on the west side of the Hudson, in New Jersey.

On the 21st of September, according to the returns of the Adjutant-General of his division, it consisted of eight thousand seven hundred and seventy-one, of which twelve hundred and ninety-four were sick present, and eleven hundred and eight sick absent, leaving a disposable force of six thousand three hundred and sixty-nine.

In consequence of information, which General Heath had received, he devised a plan for carrying off some Bri-

tish with their baggage, who were remaining on Montrefores Island. He submitted it to a council of officers of his division, who concurred with him in sentiment. The plan was likewise approved by Major-General Putnam, who was then Commander-in-chief. In consequence of this, every arrangement was made, and two hundred and forty men sent off in three boats, covered by a detachment of artillery in a fourth boat. The field officers in the first boat with their men, made good their landing; but the officers commanding the other two, causing their men to lie on their oars, leaving the first boat to do the duty designed for the whole corps, the intention was frustrated, and the detachment were compelled to return with the loss of Major Henley, aid-de-camp to General Heath, killed, and fourteen privates killed, wounded, and missing. During this month, the various movements, debarkations, and skirmishing of the British, gave the General full employment, and in a very eminent degree called forth all the energies both of his body and mind.

According to the order of General Washington, Major-General Charles Lee arrived in camp on the 14th of October, to supersede General Putnam. Lee was directed to remain a day or two in camp, and make himself acquainted with the routine of duty, which was to devolve on him, before he assumed the command: and with this desire he accordingly complied. Every day was now big with events—every preparation—every movement of the British, indicated their design to attack; while every exertion of the Americans was directed to defensive operations.

A skirmishing took place near Westchester Causeway, between the British, and a regiment of General Heath's division, supported by four other regiments, who participated therein, in which the latter lost between thirty and forty killed and wounded. The loss of the British was considerable. Having removed from the vicinity of Kingsbridge, the American army, after leaving a garrison in Fort Washington, took a position at Whiteplains. General Heath posted his division on strong and commanding ground north of the Court house, and was left on the line. A smart affair now took place between the contending

parties, in which the general's division participated—the American loss was small; but the British gained an advantage in position. Fort Independence, commanded by Colonel Lesher, and garrisoned by his regiment, was evacuated, the cannon and stores having been previously taken away, and the barracks and huts destroyed. On the 31st, at night, the Americans abandoned their position on the plains, which was occupied the next day by the British, and a furious cannonade commenced on Heath's division. His artillery, under Bryant and Jackson, briskly returned the fire. This affair terminated in a matter of little importance to either party. General Heath continued with his division, changing positions, day after day, as circumstances required. It formed the left of the grand army, in consequence of which he had no opportunity to display either talents or ability, but a promptitude in obeying and alacrity in discharging the orders of his superiors. On the 9th of November, after the capture of Fort Washington, this division halted at North Castle, on its march to Peekskill, from Whiteplains, whither it had been ordered, and the next day it reached the object of its destination. On the 12th, General Heath accompanied General Washington, in taking a view of the fortifications at the Highlands and the passes which led through them. Instructions in writing were, accordingly, given to the General from the Commander-in-chief, to secure, with all possible expedition, all the posts on both sides of the river, and to distribute his force as circumstances might require, while General Washington passed into New Jersey. The next day, these orders were put into execution. On the 16th, Fort Washington was taken, by which two thousand of the Americans were made prisoners. General Washington was a spectator of the scene from Fort Lee, without being able to render it any assistance.

On the 18th, the British, elated with their success, passed the Hudson, into New Jersey, above Fort Lee, the garrison of which abandoned it; and some cannon, stores, and provisions, which could not be timely removed, of course, fell into their hands.

General Lee, having been made acquainted, through

General Reed, of the disasters, which thickened on the Americans, wrote to General Heath, requesting him to order a Brigadier-General and two thousand men to pass to the west side of the Hudson opposite to his station, and that he would replace them the next day. Although Lee was Heath's senior, he refused to comply with the request, because his instructions were positive—Lee re-iterated the request, and Heath again refused; this altercation terminated in Lee's assuming the command on the spot as senior officer, and directing, through his own Deputy Adjutant-General, Colonel Scammel, Prescott's and Wylis's regiment, for the object of his wishes, giving at the same time a certificate, that he (Lee) was commanding officer at the time of writing, and that he assumed all responsibility. Notwithstanding this, Lee did not put the order into execution, and passed into New Jersey without them.

On the 6th of December, General Heath was informed, that seventy vessels of war and transports, with troops, had arrived in Long Island Sound, from England, on the 4th of the same month. This information he communicated to General Washington, by express.

On the 10th, in consequence of orders from head-quarters, General Heath caused a brigade of his division to pass to the west side of the Hudson, and on the day following he crossed the same river, having ordered the detention of a flag from the enemy, until further orders. It was not permitted to return until the 24th. During the remainder of this month, this division occasionally performed some hostile operations, which, though of minor importance, kept them in continual motion, and considerably embarrassed the enemy.

Immediately after the capture of the Hessians at Trenton, and the battle of Princeton, which General Washington communicated to General Heath, in the beginning of January, 1777, he was ordered to move his force towards New-York, to impress a belief on the enemy, that that city was the object of his attention, retaining for this purpose four thousand militia, and sending the remainder of his force, with General Lincoln, to Morristown, as a reinforce-

ment to the grand army. The object of this feint was to afford the enemy an opportunity of facilitating their retreat from New Jersey, through which they were rapidly retrograding, in consequence of the affair at Trenton and Princeton.

In pursuance of those orders, the General was engaged successfully in carrying them into execution until the 10th of March, when he obtained leave of absence from the Commander-in-chief, for a short period, to visit his family. While he was on his return, he received an express from General Washington, investing him with the command of the Eastern department, in consequence of the resignation of General Ward. He immediately retraced his steps to Boston, and assumed the duties incumbent on him in that station, on the 20th of March, the day of General Ward's solicited retirement.

According to instructions from the Commander-in-chief, eight regiments from Massachusetts were ordered for Peekskill, and seven for Ticonderoga. In the latter end of May, an express from Governor Trumbull of Connecticut, announced the death of General Wooster, and the burning of Fairfield. In the beginning of May, General Heath, accompanied by General Du Coudray, an officer of much experience in the French army, took a survey of the fortifications and defences of Boston and its vicinity. The latter gave it as his opinion, that the British had left the town when there was no danger, as it was capable of holding out against an army of fifty thousand men.

The active duties of so important a station occupied the General's attention incessantly; while he was sometimes elated, sometimes depressed, according to the nature of the intelligence which he had received. But he never despaired. The events of this year were considerably checkered; but the prospect of a war between France and England, the indirect assistance received from that court prior to that event, and the capture of Burgoyne by General Gates, instilled the strongest hopes in the bosoms of the Americans, that the struggle in which they were engaged, would ultimately be successful.

A most gallant achievement was performed by Colonel

Barton, of Providence, in evading the British guards, and carrying away from his head-quarters on Rhode Island, the British Major-General, Prescott. This successful enterprise was productive of much good to the American cause. About the latter end of August, the celebrated Count Pulaski, who afterwards gallantly fell at the siege of Savannah, was introduced to General Heath, at Boston. Four hundred prisoners, captured by General Stark, at Bennington, arrived at the head-quarters of the Eastern department, on the 5th of September. In consequence of the defeat of the Americans at Brandywine, Colonel Lee's regiment marched on the 2d of October to join the main army.

The capture of Burgoyne was celebrated at Boston on the 23d of this month with much eclat. The destination of the captured army being Boston, greatly added to the duties of the General of this department. He, however, made every exertion for the comfortable accommodation of the officers and men committed to his charge, and, at the same time, was peculiarly attentive to the wants as well as to the discipline of the soldiers under his immediate care.

The accommodation of the captured army, in Boston, amazingly increased the duties of the Quarter-master's department in this quarter. The barracks on Prospect and Winter hills were put in order, and every other measure adopted, to render the situation of the prisoners as comfortable as possible.

General Burgoyne arrived at Cambridge with his suite, on the 7th of November, where he was received by the Commander-in-chief of the Eastern department, to whose care he and his army had been committed for safe keeping, according to the articles of capitulation. Burgoyne was invited by General Heath to dine with him next day in Boston, accompanied by Major-Generals Phillips and the German Baron Reidefel, for which purpose they were escorted by an American officer, one of the General's aids-de-camp. Notwithstanding both sexes thronged the streets, windows, and tops of houses, nay even fences, to satiate their curiosity, in beholding the captive generals,

no insult whatever was given—no disgraceful hissings, no language hurtful to the feelings of a fallen foe. Their respectable demeanour was such as to extort the language of praise from Burgoyne, who assured General Heath, that in a reverse of circumstances, a similar number of American officers could not have appeared in the streets of the metropolis of Great Britain, without being treated, by a mob, with indignity and insult.

A new scene of difficulty now arose, which in a peculiar manner called forth the exercise of prudence and resolution. On their arrival at Boston, the captive officers were to sign their respective paroles. General Burgoyne effected to avoid a compliance with this article of the capitulation, under different pretexts. A correspondence between him and General Heath ensued on the occasion. The conduct of the latter was not censured by Burgoyne, and Congress was pleased with it. That body passed a resolve, dated 8th of November, directing General Heath to cause the name, age, rank, size, occupation, and former place of abode, of the non-commissioned officers, privates, and other persons of the captive army, to be forwarded to the board of war, with authenticated copies of the signed paroles of the officers. The paroles, however, were not signed until the 25th of November.

This affair having been settled by a compliance of the captives with the articles of convention, General Burgoyne involved himself in new difficulties respecting his personal embarkation, in which he was not supported by Admiral Howe. Burgoyne did not think that he was treated with that respect due to his rank by an expression of General Heath, in a letter, on the subject of the embarkation of the troops, on board of transports, from Boston harbour, as he had supposed that he was entitled to a passage on board a frigate, which, he insisted, ought to be permitted to enter that harbour for the purpose, protected by a flag of truce. General Heath informed him, that if the articles of capitulation with General Gates warranted such a construction, his right should not be withheld; but if not, that any attempt to obtain such an indulgence would be fruitless.

A resolve of Congress was passed on the 8th of January, 1778, suspending the embarkation of the troops until the convention should be ratified by the British cabinet; hence the affair of the frigate was put to rest, General Heath having transmitted to Congress the correspondence on that subject.

During this, a package of letters, intended to be sent to General Howe, was sent to General Heath for inspection. Nothing in General Burgoyne's personal correspondence formed matter of remark, but one from Colonel Kingston to Lord Harcourt contained such remarks from a captive officer as warranted its detention, and subjected Burgoyne to some censure, because of its envelopment in his package.

In misfortune, Burgoyne betrayed a restless spirit, as he found fault with every thing, and cavilled at the most insignificant trifles. Colonel Henley, who was the immediate commanding officer at Cambridge, had caused a prisoner to be chastised for personal insolence towards himself. Burgoyne, instead of concurring in a measure, which, in all well organized armies, was necessary for the preservation of discipline and order, preferred a complaint against the Colonel, a meritorious and brave officer. General Heath caused him to be arrested, and submitted the affair to a court of inquiry. The conduct of the British officers and privates, on several occasions, did not comport with that decorum which might be expected from prisoners of war, of which the court was made acquainted, together with the alleged causes of complaint of the English General, who expressed his displeasure, that his complaints were not submitted directly to a Court-martial. Peculiar attention appears to have been paid to the feelings and even to the caprice of the captive General. It was, therefore, deemed expedient, that he should be gratified in his wishes. A Court-martial was accordingly held, by order of General Heath. The causes of complaint were exhibited. General Burgoyne justified them with all his eloquence, assuming the duties of a judge advocate, in which he was indulged, but against which General Heath, in confirming the decision of the Court, pro-

tested, in order that it might not serve as a precedent on future occasions. Colonel Henley was honourably acquitted, and resumed his command.

On the 8th of March, a cartel arrived from Cape Cod, with a letter to General Burgoyne from Captain Dalrymple, announcing his arrival in that harbour in the *Juno* frigate, accompanied with transports, for the conveyance of himself and his troops to England. In consequence of the existing state of affairs, however, Captain Brathwaite arrived in the *Centurion* in Cape Cod, with orders from Lord Howe, that the vessels of war and transports should return to Rhode Island, then in possession of the British.

The difficulties, which had been so numerous in impeding the fulfilment of the articles of the capitulation of the British army to General Gates, were so far removed in the latter end of March, as to permit, by a resolve of Congress, the return of General Burgoyne to England, from Rhode Island, the expenses for the support of the captured army, made in paper, being previously refunded in specie.

Their supply involved the General in many difficulties, which required his utmost attention and foresight to remove. General Burgoyne bid him adieu at his quarters, on the 2d of April, and left Cambridge on the 5th for Rhode Island, to embark for Europe. In this last interview, he expressed his utmost satisfaction in respect to the treatment he had personally received from the General, and promised to remit from England such scarce articles as he should name, for his own use. The General thanked him for his politeness; but made no further observation on his proffered services, preferring to submit to the straitened resources of the country in common with his fellow citizens, rather than to avail himself of the advantages which might result from the politeness of the captive officer.

After the departure of General Burgoyne, a division of the captured troops were ordered to Rutland in Vermont, where barracks had been prepared for their reception, and General Heath entered into a negotiation with the British General Pigot, for the future supply of the whole captive

force: Congress, when made acquainted with this negotiation, passed a resolve dated the 22d of May, in which they highly approved his conduct.

On the 17th of June, a British officer was shot on Prospect hill, by an American sentinel. On the 7th of the same month, one of the American guards was stabbed by one of the captive soldiers. The instant that General Heath became acquainted with the shooting of the British officer, he directed the sentinel to be put into confinement, a coroner's inquest to be held over the body, and acquainted General Phillips of the circumstance, and the proceedings which he had ordered thereon. The officer who was shot was a Lieutenant Brown, of the 21st regiment. By the Coroner's inquest, it appeared, that in company with two females, he attempted to pass the line of sentinels, after being challenged, without complying with the necessary formalities. The intemperate letters written by General Phillips, the senior captive officer, induced General Heath to order his confinement to his quarters, as the language used in that correspondence was a direct violation of the articles of capitulation. A compliance with the disposition of General Phillips would have been to participate the powers of the commanding General with a captive officer, but while General Heath pertinaciously supported the dignity of his station, he used every exertion to alleviate the situation of those placed under his control. Neither the stern language of protest and reproach, nor the more insidious tones of friendship, could avail. Heath was steady to his duty, and Phillips was obliged to submit. In the case of Brown's death, the course pursued by General Heath was approved by Congress, as appeared by their resolution on that subject, dated July 7, 1778.

General Heath continued in the active exercise of the duties of his station, until the 12th of November, when he was replaced in the Eastern department by General Gates. On his retiring from that station, he received every mark of respect from the inhabitants, by which they endeavoured to evince the high sense which they entertained of his correct deportment and philanthropy

in the faithful discharge of the important trust which had been reposed in him.

General Gates left Boston for Providence, Rhode Island, on the 2d of April following, when the command of the Eastern department again devolved on General Heath. He remained at Boston until the 4th of June, when he received orders from General Washington to join the grand army. He had previously ordered away all the heavy ordnance belonging to the United States, at Boston and Providence, to the banks of the Hudson river. Every mark of respect was paid him on his departure from Boston, and on his way to the place of his destination. On the 21st of June, he arrived at New Windsor, whence he accompanied General Washington to West Point, the Gibraltar of the Western World, and, on the 23d of the same month, he was invested with the command of all the *rebel* troops, as the British were pleased to call them, on the east side of the Hudson river. This change of situation brought him again into the duties of the camp, from which his situation at the head of the Eastern department had for some time relieved him. Here he was in active field duties, when, on the 30th of June, he received a notification from John Jay, Esq. President of Congress, accompanying an extract of the proceedings of that body, announcing his election to the place of a Commissioner of the board of war, with a salary of four thousand dollars per annum, while, at the same time, he was allowed to retain his rank in the army.

The proffer of Congress was declined, as the General manifested his wish to remain in the station which he then held.

According to orders received from General Washington, on the 10th of July, General Heath marched his division, next day, for Bedford in New-York. Here he arrived on the 14th, and finding that the British shipping had gone down the Sound towards New-York, he took a strong position between Bedford and Ridgefield. The eyes of the public were now fixed on this division, and on the contiguous foe, who was laying waste the country in Connecticut. They had destroyed Fairfield. This move-

ment, however, saved a number of towns and villages from devastation, and inspired fresh confidence in the inhabitants. In order to withdraw the attention of the British from Connecticut, General Washington planned the surprise of Stony Point, which General Wayne so gallantly executed. The next object was an attack on Verplanck's Point, garrisoned by one thousand of the enemy. On the Americans removing from Stony Point, General Washington ordered General Heath, with his division, to repair to Peekskill, and supersede General Robert Howe. While these operations were in train, to prevent the design of General Sir Henry Clinton, of cutting off the retreat of General Howe, General Washington ordered General Heath to take possession of the passes into the Highlands, by forced marches, which he completely effected. He continued actively engaged with his division, in affairs of minor importance, during the remainder of the campaign.

On the 28th of November, General Washington invested him with the command of all the troops and posts on the Hudson river. This was reckoned the key of communication between the eastern and southern states. The winter passed away without any occurrence of magnitude. The weather had been extremely severe, and the suffering of the troops was great. Still, however, their commander had such an ascendancy over them, that they remained patient under all their privations.

The latter end of February, 1780, by leave of the commander-in-chief, General Heath left the army on a visit to his friends in New England. On the 8th of March, he represented to the council of Massachusetts, the high importance and necessity of filling up their battalions. This had the desired effect; for the state legislature shortly afterwards ordered a draft for the purpose, to rendezvous at Springfield, in Massachusetts. On the 9th of June, he received an order from General Washington, whose head quarters were at Morristown, N. J., to repair to Providence, R. I., to meet the commander of the French forces and fleet, which were expected there every moment, in order to render them the assistance requisite

after so long a voyage. He arrived at Providence on the 16th of June, when he was escorted into town with all possible respect. Every necessary preparation was made for the reception of the French army, as soon as it should land. The fleet arrived at Newport on the 11th of July, and the General repaired thither, where he was introduced to Count Rochambeau, the commander of the French land forces, and the Chevalier Ternay, commander of the fleet. The usual civilities on such occasions took place between the respective parties, and a close intimacy between Rochambeau and the General commenced, which lasted during the whole war.

The arrival of the French force attracted the attention of the British—Sir Henry Clinton designed to attack it at Newport with a force of eight thousand men. Intelligence of this, and the appearance of the British fleet off Rhode Island, induced a call of the militia as a re-enforcement. Every disposition was made to give the enemy a warm reception. The General informed General Washington of his desire to return to the main army, and assume the command of the right wing, a rank to which he was entitled by seniority. However, at the solicitations of Count Rochambeau, and to comply with the wish of General Washington, he remained there; as the general-in-chief had informed him, that the main army had no immediate prospect of active operations.

On the first of October, General Heath took leave of the French officers at Newport, in order to repair to the main army, for which he had received an order from General Washington, who, at the same time, informed him of Arnold's treason, and Andre's capture. Complimentary letters of leave passed between Generals Rochambeau and Heath, and the latter proceeded as far as West Point, which he reached on the 16th, on his way to the main army, where he found a letter from General Washington, appointing him to the command of that fortress, in place of General Greene, who had been ordered to supersede General Gates in the southern states.

On the 17th, General Greene departed for the object of his journey, and, at the same time, General Heath assumed

the command, when the contemplated predatory excursion of the enemy afforded him sufficient employ. In November, a number of the French officers paid a visit to General Heath, at West Point, where they were received and treated with marked respect.

On the 1st of December, the discharge of the six month's men was begun. Three New York regiments departed for Albany, and the army generally went into winter quarters. General Washington established his quarters at New Windsor for the winter, on the 6th of the month, and the next day visited West Point.

In consequence of the scarcity of provisions at West Point, of which General Washington was made acquainted, he ordered General Heath to proceed to the eastward, in order to obtain of the Governors of the New England states, those supplies, the want of which portended the most serious consequences.

While on this expedition, which he commenced in the beginning of May, General Washington advised him, in the July following, that in the new regulations for the ensuing campaign, the command of the right wing of the main army was reserved for him. In consequence, he left his residence at Roxbury, on the 12th, to assume his command, the grand army having encamped near Peekskill. When he arrived at the army, it had changed its position, and was encamped at Philipsburg, in two lines, in the place which had been between the two armies the preceding year.

On the 17th of August, 1781, General Washington confidentially communicated to General Heath, a blow which he intended to strike against the enemy; for which purpose he detached a part of the army to the southward, leaving Heath in command of the main army during his absence. His orders were dated on the 19th of the same month, and confined him to defensive operations. The general, accordingly, was busily engaged during the whole summer in executing the trust reposed in him. On the 28th of October, he received a despatch from General Washington, announcing the success of the meditated blow, which had terminated in the capture of Cornwallis

and the British army, at Yorktown, in Virginia. On the 22d, the corporation of Albany passed a vote of thanks to General Heath, for the alacrity which he had displayed in defending the northern frontiers of the state of New York against the maraudings of the enemy. The whole army celebrated in the Highlands, on the 31st, the joyful event, which had been effectuated by the commander-in-chief, and his auxiliary forces. Things now wore a favourable aspect on the American side. The foraging went on successfully; but the general was directed to forward no more supplies to the army in Virginia. About this time, the troops went into winter quarters, with more cheerfulness and better prospects, than in any preceding year.

General Washington returned from the south in the April following, and established his head quarters at Newburgh, on the west bank of the Hudson. On resuming the command, he publicly returned his thanks to General Heath, for the successful execution of the trust reposed in him during his absence.

A new scene of outrage, committed by a party of refugees, under command of a Captain Lippencott, attracted public attention. In their maraudings, they fell in with a Captain Huddy, whom they took prisoner, and hung. It was well understood, that however the conduct of the party might be censured by the enemy, some evasive pretext would rob justice of its demand, by suffering the party to escape; and the event justified the anticipation. To put a stop to practices so incompatible with the rules of warfare observed among civilized nations, General Washington called a council of officers, who met in General Heath's quarters on the 19th of April. They were convoked to advise the General, respecting the best mode of preventing the repetition of such sanguinary deeds. The Council unanimously recommended measures of retaliation. In conformity with their advice, it was determined to select by lot, a captive officer in the hands of the Americans, who should undergo the fate which Huddy experienced, unless the crime should be fully atoned by the punishment of the murderers. And as Lippencott was acquitted by a British court-martial of a crime, which

would have disgraced the darkest era of the middle ages, Captain Asgill, a young man of high respectability, on whom the lot fell, would have met poor Huddy's doom, had it not been for the timely interposition of the King and Queen of France.

While General Heath remained with the main army, the absence of General Washington vested him with the supreme command. When that General returned from Philadelphia, where he had an interview with General Count Rochambeau, in July, the American army moved lower down the Hudson. A part which proceeded by water, disembarked, and encamped near Verplanck's Point; another part descended by land. A new order of battle was published, in case the enemy should come in contact, and the command of the left wing of the army was assigned to General Heath.

New Windsor was selected for the cantonments of the main army, during the ensuing winter. Towards the close of October, General Heath's division struck their tents, and moved to that destination. The army being now inactive, and there being no probability that they would be speedily attacked, General Heath, by leave of the commander-in-chief, proceeded, on the 5th of December, on a visit to his farm at Roxbury, and returned to head quarters at Newburgh on the 14th of April following. The contest was now drawing to a close. While Great Britain had to deplore the immense expenditure of blood and treasure in the fruitless pursuit of unjust power, the sturdy sons of the Western Hemisphere were amply gratified with the prospect of a speedy and honourable termination to the years of toil and privation, which they had experienced. News had been received, that peace had already been signed, and an order for the cessation of hostilities was daily expected in camp. The welcome tidings were at length confirmed, and published at head quarters on the 19th of April, 1783.

The privations of officers as well as privates in the American army, during the unnatural contest, had been great. The consummation of their wishes was now happily accomplished in the acknowledgment of Inde-

pendence; but while they could felicitate themselves on the attainment of their most ardent wishes, their pecuniary embarrassments still continued, the constituted government of their country being altogether incompetent to pay them their just wages. Congress had passed a resolve, in order to reduce the army, with the greatest facility, empowering the commander-in-chief to grant furloughs to the troops engaged to serve during the war, and to a number of officers proportionate to the troops who might be thus dispersed, unaccompanied, however, with the means to enable them to arrive at their respective destinations. This, as might naturally have been expected, excited a considerable ferment in the army. With a view to suppress the storm which seemed ready to burst, a board of general officers was therefore called, of which General Heath was chosen president. A respectful address to the commander-in-chief was penned, setting forth the actual situation of the officers and men; the defalcation of Congress in complying with their engagements; the inability of the furloughed troops to reach their respective abodes without means; the degradation to which the officers were reduced; and their unwillingness to depart unless Congress should afford redress, and give them certificates of their arrears of pay. The address was couched in very respectful language, and transmitted to General Washington, signed by General Heath, as president of the board. It was directed to the commander-in-chief, because it only requested of him to use his influence to have their grievance removed. It breathed not the language of servility, because it asked for justice—not favours; nor did it exhibit that of the braggart, by the use of menaces to frighten Congress, to perform what otherwise the imperious dictates of justice, reason, and duty, demanded.

The reply of the commander-in-chief was highly satisfactory, as he assured them, that their wishes had already been anticipated by every exertion in his power, to have an amicable adjustment of their accounts, and as far as was practicable a relief of their immediate wants.—This is the era when the celebrated anonymous letters addressed to the army made their appearance, on the writer of

whom much obloquy has been since thrown, very probably for party purposes. In that business, their author has never been treated by the parties concerned, with that candour, to which from his very meritorious services, he appeared to have been so well entitled.

About this time, the design for forming a military order was begun. Although its object was specious in the exterior, it savoured strongly of aristocracy. General Heath attended its meeting; exerted his influence to oppose its aristocratical features, and only subscribed to its funds for the charitable objects which were professed.

At a subsequent period of his life he was confirmed in his objections to the institution as it was then conducted, and ordered his name to be erased from the list of members; continuing, however, his subscription for the charities, which its constitution professed to be its main object.

A coincidence of dates in the chain of events, is, sometimes, remarkable. General Heath was the first officer who ordered and gave directions for the guard at Prospect-hill, in 1775, after the battle of the 19th of April in that year, and he was left the last general of the day in the main army to perform the duties affixed to that station, in 1783.

On the 24th of June, General Heath received a letter from General Washington, dated the same day, taking an affectionate leave of him, which was couched in the strongest language of friendship. On the afternoon of that date, General Heath started for his residence in Massachusetts, and, upon his arrival, exchanged the garb of a soldier, for the habiliments of private life.

During the remaining years of his life, he often experienced the manifestations of the esteem in which he was held by his fellow-citizens, by their suffrages. In the year 1798, he published his memoirs. While they evince, in the manner of memorandum, a man of business, their want of method and arrangement exhibit the absence of the able penman.

The General, in the evening of his days, reposed in domestic felicity, enjoying the reward of a well spent life,

in the warm affection of a nation, for whose freedom he had so often risked his existence in the field of battle.

ANTHONY WAYNE.

THIS gentleman was born in Chester county, Pennsylvania, in the year 1745. He was bred to the profession of a surveyor, to the duties of which he attended for several years. But as soon as the clouds began to gather in the political hemisphere, he relinquished his private pursuits, and united his efforts with the patriots of 1774 and 1775, in warding off the impending storm. He was successively honoured with a seat in the legislature, until he vacated it for the more arduous toils of the tented field, by the acceptance of a colonelcy in the provincial army; and so great was his interest, that, in a few weeks, he raised a regiment in his native county.

He attended, with his regiment, the unfortunate General Thompson into Lower Canada, in 1776, and was present in the attack on Trois Rivières, when that gallant officer was defeated and taken prisoner. After this disastrous event, he was peculiarly serviceable in securing the retreat of the American troops, which, by his judicious conduct and activity, he was able to effect with very little loss. On this occasion, he was slightly wounded. In the retreat, after the capture of Thompson, Colonel Maxwell was the commanding officer. This unfortunate expedition was planned and ordered by General Sullivan. Colonel Wayne afterwards served, with his regiment, in the northern army at Ticonderoga under General Gates, in the campaign of 1776. His talents as an engineer, his quickness of perception, and accurate estimation of heights and distances, with his other military qualifications, rendered him a most valuable officer.

In the beginning of the campaign of 1777, he was

raised to the rank of brigadier-general, and with his brigade was ordered to re-enforce General Washington, at the head of Elk.

At the battle of Brandywine, General Kniphausen was posted at Chad's ford; as a feint, General Washington having stationed General Wayne, with an adequate force, as he supposed, to defend the passage of the ford. When Cornwallis, as he had designed, succeeded in turning the right flank of the American army, Kniphausen crossed the ford and attacked Wayne with great vigour. He sustained the shock with much resolution; but, after a severe conflict, was obliged to give way to superior force, leaving in possession of the enemy, his intrenchments, battery, and cannon. On his retreat, Wayne passed the rear of the 10th Virginian regiment, under Colonel Stevens, who was severely engaged with the enemy from nearly an hour before the setting sun till dark.

Shortly after this, Wayne, with the advance of the Americans had a slight affair with the enemy, which would have ended in a general engagement, but for the timely interposition of a rain, which rendered both parties incapable of action.

General Wayne continued to hang on the rear of the English General, Howe. On the 19th, he received orders from General Washington to act to the greatest advantage against the rear of the enemy, in conjunction with General Smallwood and Colonel Gist, while he should cross the Schuylkill at Parker's ford, and endeavour to head the enemy and oppose him in front, thus exposing him to the disastrous effects of a double fire.

General Howe having learned the situation of the troops under General Wayne, which consisted of about fifteen hundred men, with a few pieces of cannon, he despatched General Grey, with the 2d regiment of cavalry, and a body of infantry, on the night of the 20th of September, who effected the object for which he was destined. It is said, but with what accuracy is not known, that the American general had timely warning of the attack. Be this as it may, Grey gained Wayne's left about one, A. M. on the 21st of September. Some out

sentries were early missed by one of the American officers on his rounds—an alarm was timely given for the men to form; but instead of drawing them out to the back of their encampments, they were paraded in front of their own fires, which directed the British to the object of attack, and by the use of the bayonet, rendered his discomfiture complete. Nearly three hundred were killed and wounded, and seventy or eighty taken prisoners, including several officers. The loss to the Americans by this enterprise was, besides a quantity of arms, eight wagons loaded with baggage and stores; and farther disaster was only prevented by the darkness of the night, and the subsequent judicious dispositions of General Wayne. For this unfortunate affair he was tried by a court martial, who, after having duly considered all the circumstances of the case, acquitted him with honour.

The dispositions for the battle of Germantown as made by General Washington, were well conceived, and had no untoward circumstances occurred to mar them, victory would have perched on the American standard. In the display of orders, the divisions of Wayne and Sullivan, flanked by General Conway's brigade, were to enter Germantown by the way of Chesnut-hill. Their march was begun about 7 o'clock, P. M. on the 3d of October, accompanied by the commander-in-chief. The next morning at sun-rise, the attack was commenced on the 40th British regiment and battalion of infantry. Though, during the course of the day, fortune generally favoured the American arms, the scene closed in defeat. In a letter to General Gates, General Wayne declared, that the enemy were flying before the victorious arms of the Americans for about three hours, and ascribes the discomfiture to the wind-mill attack on Chew's stone house. General Stevenson, who commanded on the York road, and whose force was designed to cut off the British retreat at the Rising Sun, and at the same time prevent the assistance of a re-enforcement from Philadelphia, was tried and broken for disobedience of orders. Had his orders been executed, nothing could have prevented the

destruction or capture of the whole British force engaged in the early part of that day.

During the campaign of 1778, General Wayne was still attached to the army in the Middle States, under the immediate command of General Washington. After the enemy had evacuated Philadelphia, and were retreating through New-Jersey, General Wayne was despatched to pursue them, with a body of one thousand men, forming part of the advanced corps of the American army, commanded by the Marquis Lafayette. They were sent, on the 25th of June, from the village of Kingston, in the vicinity of Princeton, to which the American army had removed. The whole army moved in the evening of the same day, intending to keep a proper distance for the support of the advanced corps.

Sir Henry Clinton, sensible of the approach of his adversary's forces, changed the disposition of his troops.

Without entering into the detail of duty, which devolved on Wayne in a subordinate capacity, in this action, he in a very peculiar manner displayed the most undaunted courage, the greatest activity, and a sound judgment, in executing the duties which had been assigned to him.

In the campaign of 1779, General Washington conceived the design of storming Stony Point, a strong position on the Hudson, about fifty miles above New-York, which had fallen into the hands of the British. The object in view was to withdraw from Connecticut to the defence of their lines, a party of the enemy, who were laying waste a part of that state. The execution of this enterprise was intrusted to General Wayne, who completely effected it. The situation of this post was of much importance in another point of view, as it commanded a pass of the river essential to the British shipping for the attack on the forts above. The garrison, which consisted of about six hundred men, under Colonel Johnson, was part of the force which had bayoneted his troops in cool blood at Paoli. His parole on this occasion recalled to the remembrance of his troops, that sanguinary affair. Although the enterprise was effected with the bayonet, the flints having been taken out of their

firelocks, and the storming of the fort might have justified complete retaliation, yet the moment the enemy submitted, he spared the farther effusion of blood. This enterprise completely effected its object, by compelling the British general to withdraw his forces from Connecticut to defend his own posts.

In the commencement of this attack, which was of short duration, a ball, discharged by one of the sentinels, grazed the general's head, and knocked him down. He lay a few moments apparently lifeless, but soon after rose, and so far recovered as to rest on one knee. Supposing himself mortally wounded, he desired one of his aids to carry him forward and let him die in the fort.

The attack on a block-house towards New-York was unsuccessful. It is said, that General Wayne lost more men on this occasion, than the whole number of those whom he attempted to dislodge. Here he manifested more zeal and bravery than judgment. General Washington, in his report of the affair to Congress, attributed its failure to the intemperate valour of the troops.

For his gallant enterprise at Stony Point, he received the thanks of Congress, who awarded him a gold medal, emblematical of the action.

On new-year's day, 1781, a revolt of the Pennsylvania line took place, in consequence of the distresses which they had to encounter. This affair threatened, on its first appearance, to produce the most serious results; but the prudent conduct of General Washington, assisted by Wayne, and the patriotic spirit of the troops, prevented the British from availing themselves of any benefit on the occasion.

On the 20th of February, 1781, Congress resolved that the southern army should be composed of all the regulars, from Pennsylvania to Georgia, inclusive, except Moylan's dragoons. The board of war was directed to prepare and furnish every requisite. This new disposition of the troops threw General Wayne's division into the southern army.

On the 18th of May, Congress directed the board of war to furnish General Wayne with copies of the intelli-

gence received, on the day previous to the sailing of the British fleet from New-York; and ordered, that in case his troops should not be furnished with the necessary supplies, during their march, he should impress them, and credit the States with the amount thereof, whenever such coercion should become necessary.

In the first moments of the rising tempest, the Marquis Lafayette began to retire with his little army, which consisted only of one thousand regulars, two thousand militia, and sixty dragoons. Cornwallis, finding it impossible to force an action, endeavoured to cut off the communication of the Marquis with General Wayne, who was, with eight hundred Pennsylvanians, advancing from the northward, the junction of whose forces was effected at Rackoon ford, without loss. While this object was accomplishing, Cornwallis placed himself between Lafayette and Wayne, and the public stores deposited for greater security at Albemarle old Court-house. Lafayette, by forced marches, came within a few miles of the British army, while they were yet two days distant from the object of their enterprise. Cornwallis, from the situation of his opponent, considered his capture as certain; but during the night Lafayette opened an old road long disused, which was unknown to his adversary, and which was nearer to Albemarle, and to the astonishment of Cornwallis, posted himself next day in a strong position between the British and the American stores. Frustrated in his schemes, Cornwallis fell back to Richmond, and thence retreated to Williamsburg. During these operations, Colonel Butler, on the 26th June, 1781, attacked the British rear, and killed and wounded one hundred and sixty of them. July 6th, Cornwallis retreated from Williamsburg to Jamestown, where a smart engagement took place, between the British army and the American van, under General Wayne. Though General Wayne had been erroneously informed that the troops opposed to him were only a detached corps, he no sooner discovered his error, than he resolutely engaged with the whole British army, rightly judging it the most eligible mode by which he could escape from his perilous situation. Thus

he urged the attack with such confidence as imposed the idea on his opposers, that his force was the advance of the American army, who were approaching to support him. This bold manœuvre enabled him to take advantage of the enemy's fears, and thus to effect a dangerous retreat with little loss.

In January, 1782, General Wayne having previously ordered the Americans at Augusta to join him at Ebenezer, crossed the river Savannah at the Two Sisters' ferry, with about one hundred dragoons, commanded by Colonel Anthony Walton White. He was soon after re-enforced by about three hundred Continental infantry, under Lieutenant-Colonel Posey.

The British garrison, at this time, consisted of about one thousand regulars, besides a considerable number of militia, and was commanded by Brigadier-General Clarke. Notwithstanding this great superiority of force, General Wayne frequently appeared before the British lines, and insulted their pickets.

On the 21st of May, 1782, Colonel Brown, at the head of a considerable party, marched out of the garrison of Savannah, with the apparent intention of attacking the Americans. General Wayne, by a bold manœuvre, placed his forces between Colonel Brown and the British garrison in Savannah—attacked him at 12 o'clock at night, and routed his whole party. The van guard of the Americans, consisting of sixty horse and forty infantry, was led by Colonel White, of the cavalry, and Captain Parker, of the infantry, to a spirited charge, in which forty of Brown's men were killed, about twenty taken prisoners, and the remainder obliged to shelter in a swamp under cover of the night. The liberal use of the sword and bayonet gave the Americans this advantage, the flints having been previously taken out of the muskets of the infantry, to ensure a compliance with orders. In this enterprise the Americans had only five privates killed, and two wounded.

On June 24th, 1782, a party of Creek Indians, with a British officer, made a spirited attack on General Wayne. They adroitly took possession of two field pieces guarded

by a small party in the rear of the Americans. Wayne soon rallied his troops, and recovered these field pieces. A smart action ensued. Both sides fought in close quarters with swords and bayonets.

The Indians, although unusually brave, were routed. Fourteen of their number were killed, among whom was Emistessigo, a famous chief.—The Americans carried off a British standard, and a large number of horses.

The presence of an American force between the upper country and Savannah, interrupted the communication between the British garrison and the Indians. A party of Indians, with a considerable quantity of peltry and pack horses, on their way to Savannah, was taken by General Wayne. Two of them were detained as hostages, and the remainder sent home with a friendly talk. The disasters of the British consequent on Cornwallis's capture, and the success of the Americans, had a decided influence in detaching the Indians from the British, whose government had, early in 1782, determined to abandon offensive operations.

When it was resolved to evacuate Savannah, the merchants and others of that city obtained permission to apply to General Wayne for the security and preservation of their property. To the deputation he replied, "that in the event of an evacuation by the British garrison, the persons and property of such inhabitants, or others, who chose to remain in Savannah, will be protected by the military, and resigned inviolate into the hands of the civil authority, which must ultimately decide." A second flag being sent out, General Wayne, at the desire of the civil authority of the state, sent them for answer, that "the merchants, not owing allegiance to the United States, will be permitted to remain a reasonable time to dispose of their goods and settle their affairs." On the 11th of July, 1782, the British evacuated Savannah, after it had been four years in their possession, and it was immediately after taken into possession by the Americans.

For his eminent services the legislature of Georgia made him a donation of a handsome plantation. At the close of the war he retired to enjoy the repose of domestic

life. He was chosen a delegate to the Pennsylvania Convention in 1787, and was one of those who signed the acceptance of the present constitution of the United States, in behalf of his native state. Subsequent to this period, he left his family and went to Georgia to look after the property which had been bestowed upon him by that state. Here he was induced to allow himself to be held up as a candidate for a seat in Congress, and was returned to that honourable body, as being duly elected, in 1792. But certain irregularities having taken place in regard to some of the votes, the legality of his election was called in question by his opponent, General James Jackson. The business was, accordingly, taken up in the House of Representatives, who, after a patient investigation, determined in favour of Jackson; while they, at the same time, declared, that no dishonour could be attached to General Wayne, and that the informalities which had induced them to decide that he could no longer retain his place in their body, could not, in the slightest degree, be attributed to him. Wayne employed counsel; but his antagonist plead his own cause. Jackson might have forthwith taken his seat; but he declined that honour, till, after a new election, the will of the majority of his constituents was fully expressed in his behalf.

Immediately after this disappointment, he was consoled by his being promoted to the command of the Western army, which had been successively defeated under Harman and St. Clair. Here he continued the warfare with success against the Indians, whom he defeated and compelled to sue for peace. He remained in this command, watching over the conduct of his savage foe, until the 15th of December, 1796, when he died at Presque Isle, on Lake Erie, of a malignant disease, in the fifty-first year of his age, and was buried there with all the honours due to his rank and high merits. In the year 1808, he was disinterred, brought to Philadelphia, and thence conveyed to Chester county, the place of his nativity, where he was reinterred, with suitable ceremonies. A remarkable fact, connected with this transaction, is, that his countenance was still fresh, and that petrification had far advanced.

CHARLES LEE.

THE family of General Lee, and the earls of Leicester, sprung from the same parent stock in Cheshire, and by intermarriages were connected with most of the principal families of England. One of the family was, so early as in Queen Elizabeth's reign, an object of public regard—Being connected in the conspiracy of the Earl of Essex, and the friend of the Earl of Tyrone, who was in open rebellion, he was the first to suffer on that occasion. The General's ancestor was Sir Henry Lee, Queen Elizabeth's champion at the tilter's tournament, from which he retired by age in the 33d year of that queen's reign. He died in 1611, aged eighty, and was interred in the church of Quarendon, near Aylesbury. Sir Henry had a large dog, which was left by accident one night in his bed chamber, unknown to a faithless servant, who entered the room with the intent of robbing and murdering his master, but who was seized on his entrance into the room by the faithful Tray. At Dichley, the former seat of the earls of Leicester, is a fine full length portrait of Sir Henry and his trusty dog. A knowledge of this circumstance, no doubt, led the General to that predilection for dogs, which he ever manifested through life, a circumstance remarked as one of the eccentricities of his character.

The General's father was John Lee, of Dernhall, in Chester county, some time a captain of dragoons, and lieutenant-colonel in Colonel Barrel's regiment, from 1717 to 1742, when he was promoted to the command of a regiment of foot. The General's mother was Isabella, second daughter of Sir Henry Bunbury, of Stanney, in Cheshire, and himself the youngest of three sons. His elder brothers were named Thomas and Harry.

He may be properly called a child of Mars, for he was an officer, when eleven years old; hence it may be said strictly, that his education was a military one. He was master of the Greek and Latin classics, well versed in the Italian, Spanish, German, and French languages, and had

assiduously explored the fields of general science. He had travelled much—his thirst for knowledge was unquenchable; but his favourite study was war, a profession in which, to distinguish himself, he concentrated his every wish. In very early life, he commanded a company of grenadiers in the 44th regiment, and was present at the defeat of General Abercrombie, at Ticonderoga, when he received a shot through the body.

After the reduction of Montreal, he returned to England, when he found that a general peace was contemplated, and that the cession of Canada was the general topic of conversation; an event which appeared prejudicial to the interest and glory of America, inasmuch as the apprehension of such a result gave uneasiness throughout the continent. On this occasion, instead of the sword, Lee wielded his pen, and produced a pamphlet, pointing out the importance of that province to the Western Empire. The production was popular among the Americans, and drew from Dr. Franklin the following compliment, "that it could not fail of making a salutary impression."

He bore the commission of a colonel in the year 1762, in Portugal, under General Burgoyne. The Spaniards, with the intention of invading that kingdom, had collected an army on the confines of Estramadura, in order to pierce the province of Alentejo. An advanced body of them lay in Valentia de Alcantara, a town on their frontiers. These the Count la Lippe, the commander-in-chief of the Portuguese forces, formed a design to attack. General Burgoyne was intrusted with the enterprise. He surprised the town, took the intended commander-in-chief of the invasion, with a number of other officers, by which one of the best regiments of Spain was in a great measure annihilated. Several skirmishes followed, and yet the army of the Spaniards were masters of the country, and the possession of the passage of the Tagus was only wanting in order to give them quarters in Alentejo.

A considerable, but detached camp of Spanish cavalry, lay near the village of Villa Velha. General Burgoyne posted himself within their view, that he might obstruct their passage. Discovering that the Spaniards had alike

their front and rear uncovered, and that they were otherwise unguarded, he conceived a plan to surprise them, the execution of which he committed to Colonel Lee. The trust was rightly reposed, for Colonel Lee attacked their rear on the night of the eighth of October, routed their camp, dispersed the whole corps with considerable slaughter, destroyed their magazines, and returned with a very trifling loss. The war being closed, he received, prior to his return to England, the thanks of his Lusitanian Majesty for his eminent services, and from Count la Lippe the strongest recommendations to the British court. One of the principal secretaries of state became his friend and patron. Hence the brightest prospects of preferment lay before him; but his early attachment to the interests of the American colonies, evinced in his writings regarding the Pondiac war, lost him the favour of the ministry. Despising a life of inactivity, he left his natal soil, and entered into the service of his Polish majesty, one of whose aids he became. At this period, when the obnoxious Stamp Act had passed, which threw all the colonies into a ferment, no inconsiderable number of members of both houses of parliament were the General's immediate correspondents. With those of weight and influence he exerted his reasoning faculties, and all the abilities of which he was master, and not in vain. This atrocious act divided almost all the European cabinets, either in favour of the prerogative of the British crown, or in behalf of the colonial assertion of rights. The British embassy at the court of Vienna were composed of characters held high in Lee's regard and esteem; but the earnestness with which he defended the cause of the American colonies, almost induced him to break off all intercourse with them; at the same time he had the satisfaction to learn, that his writings gained him many friends. Thus early did Lee manifest his zeal against the arbitrary encroachments of Great Britain on the unalienable and natural rights of her transatlantic subjects. His rambling spirit led him to travel over all Europe, during the years 1771, 1772, and the major part of 1773. His warmth of temper drew him into several rencounters, among which was an affair of

honour with an officer in Italy. The contest was begun with swords, when the General lost two of his fingers. Recourse was then had to pistols. His adversary was slain, and he was obliged to flee from the country, in order that he might avoid the unpleasant consequences which might result from this unhappy transaction.

Dissatisfied with the political aspect of affairs in England, he embarked at London, on the 16th of August, 1773, on board the packet for New-York, in which city he arrived on the 10th of the following November. During the passage he was attacked with a severe fit of the gout. He shortly after bought a plantation in Berkely county, Virginia, through the advice of General Gates, who was settled there. Here he remained until May, 1775, when he came to Philadelphia.

The Congress was then in session. His enthusiasm in favour of the rights of the Colonies was such, that, after the battle of Lexington, he accepted a major-general's commission in the American army, previous to which, however, he resigned his commission in the British service. This he did in a letter to Lord Viscount Barrington, the British secretary at war; assuring his lordship, that although he had renounced his half pay, yet, whenever it should please his Majesty to call him forth to any honourable service against the hereditary enemies of his country, or in defence of his just rights and dignity, no man would obey the righteous summons with more zeal and alacrity than himself: at the same time, the General expressed his disapprobation of the present measures, in the most direct terms: declaring them to be "so absolutely subversive of the rights and liberties of every individual subject, so destructive to the whole empire at large, and ultimately so ruinous to his Majesty's own person, dignity, and family, that he thought himself obliged in conscience, as a citizen, Englishman, and a soldier of a free state, to exert his utmost to defeat them."

War had been his study from early youth. Having seen much active service; having distinguished himself for courage and abilities, many thought the service of the colonies injured by his being superseded in rank by Ge-

neral Ward of Massachusetts. He, however, exhibited no symptoms of dissatisfaction at this preference. Having received orders, he left Philadelphia, with General Washington, on the 21st of June, and repaired to the American army at Cambridge, in the vicinity of Boston. They were escorted out of the city by a troop of horse, and all the militia officers of the city and county, on horseback. While on their journey they received the news of the conflict at Breed's-hill, and reached head-quarters on the 2d of July. The arrival of the two generals was greeted by the people with a cordial welcome, and every manifestation of esteem and respect was evinced on the occasion.—The provincial congress of Massachusetts prepared two very gratifying addresses, one of which was presented to the Commander-in-chief, the other to General Lee, though the latter was not second in command on the list of major-generals; yet he was the only one, besides the General in chief, who was then distinguished after his arrival at quarters, prior to the performance of some signal service. This mark of respect was given him on account of his high military and literary reputation, the sacrifice he had made in throwing up his commission in the British army, and the consequent risks he had to encounter in the untried scenes which lay before him.

General Lee remained with the army until the following year, when General Washington, having been advised of an expedition preparing at Boston for a southern destination, despatched Lee, with what volunteers he could procure, to put New York in a posture of defence against an expected attack. This was judged a matter of great importance, as the possession of that city and the Hudson river would lead to the command of the country, and open a communication into Canada. As soon as he arrived, he commenced with ardour the construction of the necessary defences, as far as his means and the season of the year would admit. He disarmed all suspected persons within the reach of his command, and proceeded with such rigour against the tories, as to give alarm, even to the Provincial Congress of New York, in his assumption of military, uncontrolled powers. To check his course,

that body informed him in writing, that the business of trial and punishment of citizens was a power vested in their own body, and not delegated to any, not even the most exalted military character whatever. To this the General answered, that when the enemy was at the doors, forms must be dispensed with—that his duty to them, to the Continental Congress, and to his own conscience, had dictated the necessity of the measure—that if he had done wrong, he would submit himself to the shame of being reputed rash and precipitate, and undergo the censure of the public; but he should have the consciousness of his own breast; that the pure motives of serving the community, uncontaminated by pique or resentment to individuals, urged him to the step.—The general also remonstrated against supplying the men of war and Governor Tryon with provisions, as the boats coming to the city must open the means of their receiving every sort of intelligence. “I should,” says the General, in one of his letters, “be in the highest degree culpable to God, my conscience, and the Continental Congress, in whose service I am engaged, should I suffer, at so dangerous a crisis, a banditti of professed foes of liberty and their country, to remain at liberty to co-operate with, and strengthen the ministerial troops openly in arms, or covertly, and consequently more dangerously furnish them with intelligence.” He also drew up a *Test*, which he ordered his officers to offer to those, who were reputed inimical to the American cause: a refusal to take this, was to be construed as no more or less than an avowal of their hostile intentions; upon which, their persons were to be secured, and sent to Connecticut, where it was judged they could not be so dangerous. Thus the General excited the people to every spirited measure, and intimidated by every means the friends to the English government. At this time, Captain Vandeput, of the *Asia*, seized a Lieutenant Tiley, and kept him on board his ship in irons. On the principles of retaliation, Lee took into custody Mr. Stephens, an officer of government; and informed the Captain what he had done, and that this gentleman should not be released until Lieutenant Tiley was returned. This had the de-

sired effect. His determined and decisive disposition had an amazing influence both on the army and people; and the steps he proposed for the management of those who disapproved of the American resistance, struck a terror wherever he appeared.

The news of the unsuccessful termination of the expedition into Canada, under the unfortunate General Montgomery, cast a gloom over public affairs, and Congress directed General Lee to proceed to take the command of the armies in that province. Notwithstanding he was convalescent from a fit of the gout, he accepted the appointment. Previous to his departure, circumstances induced Congress to alter their plan, and appoint him to the command of the armies in the southern states. He was succeeded in the command at New York by General Putnam. On his way to the southward, he was received with every demonstration of public and private respect from all ranks of people, particularly in Virginia, and North and South Carolina. His vigilance and foresight was evinced by the fact, that when he successively arrived at New York, Virginia, North and South Carolina, he preceded the British general, Sir Henry Clinton, for when General Lee received orders at Cambridge, to repair to New York, to watch the motions of the British, he met General Clinton the very day he arrived there; when he came to Virginia, he found him in Hampton roads—and just after his arrival in North Carolina, General Clinton left Cape Fear. Their next meeting was at Fort Sullivan, which must have made Lee appear to Clinton as his evil genius, haunting him for more than eleven hundred miles, along a coast of vast extent, and meeting him in Philippi.

The affair of Sullivan's Island was a most extraordinary deliverance; for, if the English had succeeded, it is more than probable the southern colonies would at that time have been compelled to submit to the English government. Dreadful was the cannonade, but without effect. Porto Bello, Boccochico, and the other castle at Carthagena, were obliged to strike to Vernon; Fort Lewis in Saint Domingo yielded to the metal of Admiral Knowles; but

in this instance, an unfinished battery, constructed with Palmetto logs, resisted, for a whole day, the twelve and eighteen pounders of the British fleet, to the astonishment and admiration of every spectator.

The intrepidity displayed by the Americans, on this occasion, was such, that the officers and men received the thanks of the public, through the constitutional organs of legislation—and General Lee and Colonel Moultrie in particular. General Lee accomplished the objects of his destination, which augmented the high estimation in which he was held. General Sir Henry Clinton, and Sir Peter Parker, being repulsed in their attack on Sullivan's island, returned to New York, and General Lee repaired to Georgia.

Affairs in the North assumed a lowering appearance, from the dispositions manifested by the enemy, which indicated a vigorous attack on New York, by an intended junction of the forces of General Howe, and of Burgoyne, who had boasted "that he could make *elbow-room* with the besom of destruction, by the aid of five thousand men, from one end of the continent to the other."

An express was despatched to General Lee in Georgia, by Congress, ordering him to repair to Philadelphia with all possible speed. He arrived in that city in the beginning of October, and immediately waited on that body. On due deliberation, after receiving his opinion, he was directed to repair to the camp at Harlaem, with an injunction to visit the several posts in New Jersey, if, in his judgment, it should be necessary. His timely arrival was inauspicious to the design of the British General, which was no less than the blockade of the army of the Americans on York Island, which must have eventuated in their inevitable capture. The affair was thus: A council of war, contrary to General Washington's opinion, were in favour of waiting the attack of the British on York Island. General Howe, finding the American lines too strong in front to be forced, left a body of troops, under Lord Percy, opposite to the river, and with the residue of his force, effected a passage in flat-bottomed boats, and landed at Throg's neck, intending a simultaneous effort

against their front and rear. The delay of Howe one week was inauspicious to his intentions ; for the night previous to his attack, which was that of Lee's arrival, another council of officers was held in the American camp, at which Lee attended, and pointed out to them their dangerous situation, in language so forcible and convincing, that they rescinded their former resolves, and removed from the seat of peril before the succeeding dawn. The next morning, Howe put his design into operation so effectually, that the encampment, where the Americans had held the preceding day, was completely hemmed in ; but lo ! the bird had flown. Their change of position had been effected with such silence and caution, that the British General had no intimation of it, until he had obtained the ground which he so ardently desired.

General Lee was a witness to the capture of Fort Washington, from Fort Lee, on the opposite shore, an event which he beheld with anguish, because of his inability to afford relief. Lee was, at this time, next in command to General Washington, in consequence of General Ward's retirement from military service. Washington, having left General Heath in the command, with written instructions, retired into New Jersey, towards the Delaware, with a view of covering Philadelphia, leaving Lee to follow him with his forces, so soon as it should be practicable. As he had conceived a design of harassing the enemy, by throwing some troops on the west of the Hudson, he directed General Heath to order him two thousand men for that purpose, informing him, at the same time, that he would replace them on the next day. Heath was in motion towards Peekskill, to secure the passes in the Highlands and their vicinity, which were conceived to be objects of the first magnitude, and he would not obey him. In a personal conversation, General Heath absolutely refused to give any order for the purpose, alleging, that his written instructions from the Commander-in-chief made him alone amenable for their execution ; but that he, General Lee, being his senior officer, might assume the command, and on his own responsibility, issue his order through the medium of his own proper officer, for the purpose ; giving

General Heath a written certificate for justification, that he had so acted. General Lee gave the certificate, and issued the order through Colonel Scammell accordingly. He next day changed his mind, and the order was not put into execution.

Nothing serves so well to display the fickleness of Fortune, and her attendant, Fame, than a reverse of circumstances. When basking in the sunshine of successful endeavours, the incumbent of the capricious goddess is loaded with the plaudits of the giddy throng; but when the scene is changed, the contemptuous murmurs of the multitude are the gleanings of his harvest. These remarks are justified by subsequent events. No man had made greater sacrifices than General Lee to defend the American cause. None had been more tampered with to desert it, and none had exhibited more capacity, talent, and steadfastness; yet no sooner had he become a captive, through a carelessness of danger, than the green eye of the jealous monster, *suspicion*, was turned towards him. Lee had proceeded to Morristown with his forces, in the fore part of December. General Washington had ordered Lord Stirling to meet him, in order to concert a plan of operations, for the defence of Philadelphia, to the last extremity, in compliance with the resolves of Congress, who had removed to Baltimore.

General Washington had crossed the Delaware. The enemy had reached Trenton. Lee halted his troops at Morristown for several days, and proceeded thence to Vealtown, the evening of the 12th of December, on his way to join Washington, who, expecting him to be followed by General Heath's division, intended to concentrate his forces, if possible, to save Philadelphia. General Gates, with his troops unprovided for at the onset of winter, despatched Major Wilkinson, who volunteered his services, with a letter to General Washington, in order to relieve his anxieties in his disagreeable situation. Wilkinson finding that Washington had passed the Delaware, and the difficulties he had to encounter to cross that river, induced him to repair to General Lee, second in command, for the accomplishment of his object. He found General Lee, at

four o'clock in the morning of the 13th, at Mrs. White's tavern, at Baskenridge, at a distance from his main body. He was admitted to the General's chamber, and delivered Gates's letter to him in bed. Discerning the superscription to be addressed to General Washington, he refused at first to open it; but upon a representation of the nature of its contents, he yielded to importunities, and read it. The next morning he was engaged in controversial disputes with some Connecticut horsemen in careless security, and did not breakfast until ten o'clock. He then answered Gates's letter.* Information had been conveyed to the British, by some of the disaffected, of the careless security in which Lee was reposing. A plan was conceived and executed by a party of horse under the British Colonel Harcourt, with great gallantry, for his capture. The instant Lee had finished his letter to Gates, Wilkinson discovered the enemy, who had surrounded the house, and by a threat to burn it, induced the General's surrender. He was compelled to mount Wilkinson's horse, and carried off in triumph, in his slippers and blanket-coat, his collar open, and bare headed, in a soiled shirt. The object of their enterprise thus accomplished, Wilkinson escaped unnoticed, although he had secreted himself, and prepared for self-defence in case of extremity. He mounted the first horse he could find, and carried the disagreeable information to General Sullivan, on whom Lee's command devolved. By

* The following is the letter alluded to—it shows the temper in which he was, at the time of his capture.

“*Baskenridge, December 13, 1776.*”

“My dear Gates,

“The ingenious manœuvre of Fort Washington has unhinged the goodly fabric we had been building. There never was so damned a stroke. *Entre nous*, a certain great man, (*meaning Washington*), is most damnably deficient. He has thrown me into a situation, where I have my choice of difficulties; if I stay in this province, I risk myself and army: and if I do not stay, the province is lost for ever. I have neither guides, cavalry, medicine, money, shoes, nor stockings. I must act with the greatest circumspection. Tories are in my front, rear, and on my flanks; the mass of the people is strangely contaminated: in short, if something, which I do not expect, turns up, we are lost; our councils have been weak to the last degree. As to what relates to yourself, if you think you can be in time to aid the General, I would have you by all means go; you will at least save your army. It is said the whigs are determined to set fire to Philadelphia; if they strike this decisive stroke, the day will be our own: but, unless it is done, all chance of liberty in any part of the globe is for ever vanished. Adieu, my dear friend! God bless you!

“CHARLES LEE.”

this unaccountable carelessness, he undoubtedly subjected himself to much censure: but it is highly probable, that this incident, while it threw him into the vale of neglect, only prevented him from making a bold push against the enemy, in which he was sure of such success, as would redound to the benefit of the cause, and eclipse the fame of his superior, whose military talents and acquirements he conceived to be of a very inferior order. This event, so fatal to Lee's fame and prospects, could not so easily have been accomplished, had his guards been at their post; but reposing in fatal security, they had left their arms, and went a short distance to bask in the sunshine, when the enemy cut them off, and thus completed their design without firing a shot.

Lee was hanging on the enemy, and loitering on the road, so as to hold up the appearance of obedience of command, while the consummation of meditated design against the enemy, by its brilliancy of execution, would have buried all reproach on the score of disobedience. He ascribed all the previous misfortunes, which had attended the army, to weak counsels, and felt that only his experience, talents, and capacity, had been called into action to extricate them from difficulties, which inexperience entailed on them. Such being his sentiments, founded on the belief that all his *eclat* sprung from the success of his exertions, many were of opinion, that Lee was waiting to seize on an occasion when he could perform some brilliant achievement, independent of the commander-in-chief, which would place the former at the head of the army. An incident* is said to have happened, while the army was at White Plains, which serves to develope the eccentricities of the man, in his conduct towards those who were not high in his estimation. It had been the usual practice of the Commander-in-chief, with his aids, to take a walk every forenoon through the camp, and reach Lee's marquee about mid-day. For several days, good breeding induced Lee to invite them to dine with him, and his invitations

* Narrated by the late General John Sky Eustace, one of the aids of General Lee at that time, to the compiler of this work.

were accepted. One day, at the accustomed hour, espying the General and his suite in his usual walk, he retired to his marquee, and caused a servant to affix a board on the front thereof, with an inscription with chalk, declaring, "No dinner cooked here to-day." General Washington observing the writing, smiled, and passed onward.

Let us return from this digression to the thread of the narrative.

The capture of General Lee was considered as so great a loss at that period, that Congress, who felt his importance, ordered their president to direct General Washington to despatch a flag to General Howe, to ascertain his treatment, which, if not corresponding with his rank and standing, should furnish the commander-in-chief with a subject of remonstrance. Previous to this, a principle of cartel had been established, for a general exchange of prisoners; but this affair started a difficulty, the inconvenience arising from which was sensibly and reciprocally felt. Lee was guarded as a state prisoner and deserter from the service of his Britannic majesty, and denied the privileges of cartel as an American officer, in consequence of instructions to Lord Howe from the British cabinet, to whom he was particularly obnoxious. This, of itself, was sufficient to defy suspicion of any dereliction of affection to the cause in which he had engaged. Washington had informed Howe, that there were no prisoners of equal rank in his power, for exchange, and that Lee should be treated according to his rank and dignity, upon which the cartel had been established, until an exchange could be effected. A fruitless discussion ensued: Lee was assiduously guarded—the operations of the cartel were suspended—the Americans retaliated treatment corresponding to his, upon Colonel Campbell, at Boston, and other British officers, prisoners of war; which state of things existed until the capture of Burgoyne, on the 17th of October, 1777, when a complete change of treatment was observed towards Lee, in order not to affect the number of officers, who had fallen into the hands of the Americans by that propitious event. He was shortly after exchanged.

The first military scene, in which General Lee appear-

ed after his liberation, was the battle of Monmouth, which terminated his career in the American army. Before this affair, his character, in general, was very respectable; many of the warm friends of America highly valued the important services he had rendered to the United States.

From the beginning of the contest, he had excited and directed the military spirit which pervaded the continent; his conversation raised an emulation among the officers, and he taught them to pay a proper attention to the health, clothing, and comfortable subsistence of their men; add to this, his zeal was unwearied in inculcating the principles of liberty among all ranks of people; hence, it is said, that a strong party was formed in Congress, and by some discontented officers in the army, to raise Lee to the first command; and it has been suggested by many, that General Lee's conduct at the battle of Monmouth was intended to effect this plan; for, could the odium of the defeat have been, at that time, thrown on General Washington, and his attack of the British army made to appear rash and imprudent, there is great reason to suppose that he would have been deprived of his command. It has been observed by some writers on this subject, that when General Lee was taken prisoner, the American army was on no par with the royal forces, but the case was much changed on his return from captivity. He found them improved, and daring enough to attack even the British grenadiers, with firmness and resolution. Had not this been the case, and General Lee, when ordered to attack the rear of the royal army, seeing his men beat back with disgrace, unwilling to rally, and acting with fear and trepidation, his retreat would have been necessary, his conduct crowned with applause, and his purposes effected; but, disappointed in this view, the retreat has been imputed to himself, as he could not allege the want of spirit in his troops for the justification of his conduct.

The British army, early on Thursday the 25th of June, completed their evacuation of Philadelphia, having before transported their stores and most of their artillery into the Jerseys, where they had thrown up some works, and several regiments were encamped: they manned the lines the

preceding night, and retreated over the commons, crossing at Gloucester Point. A party of American horse pursued them very close ; however, nothing very material happened till the 28th, when, about 3 o'clock in the morning, the British army moved on their way to Middletown Point. About 11 o'clock, the American van, commanded by General Lee, overtook them ; but he soon retreated, and was met by General Washington, who formed on the first proper piece of ground near Monmouth court-house. While this was doing, two pieces of cannon, supported by Colonel Livingston and Colonel Stewart, with a picked corps of three hundred men, kept off the main body of the English, and made a great slaughter. Very severe skirmishing ensued, and the American army advancing, the British made their last efforts on a small body of Pennsylvania troops at and about Mr. Tennant's house ; they then gave way, leaving the field covered with dead and wounded. General Washington's troops pursued for about a mile, when, night coming on, and the men being exceedingly fatigued with marching and the hot weather, they halted about half a mile beyond the ground of the principal action. The British took a strong post in their front, secured on both flanks by morasses and thick woods, where they remained until about twelve at night, and then retreated. In consequence of this action, General Lee was put under arrest, and tried by a Court-martial at Brunswick, the 4th of July following. The charges exhibited against him were,

1st, For disobedience of orders, in not attacking the enemy on the 28th of June, agreeably to repeated instructions.

2dly, For misbehaviour before the enemy on the same day, by making an unnecessary, disorderly, and shameful retreat.

3dly, For disrespect to the Commander-in-chief, in two letters, dated the 1st July and 28th June.

The letter, on which the third charge is founded, is as follows :

Camp, English Town, 1st July, 1778.

SIR,

From the knowledge that I have of your Excellency's character, I must conclude, that nothing but the misinformation of some very stupid, or misrepresentation of some very wicked person, could have occasioned your making use of such very singular expressions, as you did, on my coming up to the ground where you had taken post; they implied, that I was guilty either of disobedience of orders, want of conduct, or want of courage. Your Excellency will, therefore, infinitely oblige me, by letting me know, on which of these three articles you ground your charge, that I may prepare for my justification, which, I have the happiness to be confident, I can do, to the Army, to the Congress, to America, and to the World in general. Your Excellency must give me leave to observe, that neither yourself, nor those about your person, could, from your situation, be, in the least, judges of the merits or demerits of our manœuvres; and, to speak with a becoming pride, I can assert, that to these manœuvres the success of the day was entirely owing. I can boldly say, that, had we remained on the first ground—or, had we advanced—or, had the retreat been conducted in a manner different from what it was, this whole army, and the interests of America, would have risked being sacrificed. I ever had, and, I hope, ever shall have, the greatest respect and veneration for General Washington; I think him endued with many great and good qualities; but, in this instance, I must pronounce, that he has been guilty of an act of cruel injustice towards a man, who had certainly some pretensions to the regard of every servant of his country; and I think, sir, I have a right to demand some reparation for the injury committed; and, unless I can obtain it, I must, in justice to myself, when the campaign is closed, which I believe will close the war, retire from a service, at the head of which is placed a man capable of offering such injuries;—but, at the same time, in justice to you, I must repeat, that I, from my soul, believe, that it was not a motion of your own breast, but instigated by some of those dirty earwigs, who will for ever insinuate them-

selves near persons in high office; for I am really assured, that when General Washington acts from himself, no man in his army will have reason to complain of injustice and indecorum.

I am, Sir, and I hope ever shall have reason to continue,
Yours, &c.

CHARLES LEE.

His Excellency General Washington.

*Head-Quarters, English Town, }
28th June, 1778. }*

SIR,

I received your letter, dated, through mistake, the 1st of July, expressed, as I conceive, in terms highly improper. I am not conscious of having made use of any very singular expressions at the time of my meeting you, as you intimate. What I recollect to have said, was dictated by duty, and warranted by the occasion. As soon as circumstances will admit, you shall have an opportunity either of justifying yourself to the Army, to Congress, to America, and to the World in general, or of convincing them that you are guilty of a breach of orders, and of misbehaviour before the enemy on the 28th instant, in not attacking them as you had been directed, and in making an unnecessary, disorderly, and shameful retreat.

I am, Sir, your most obedient servant,

GEORGE WASHINGTON.

The Court met, by several adjournments till the 12th of August, when they found the unfortunate General guilty of the several charges brought against him, and sentenced him to be suspended from any commission in the armies of the United States of North America, for the term of twelve months. But it was usual, in America, and thought necessary, that the sentence of every Court-martial should be ratified or confirmed by Congress; the proceedings, therefore, of the Court, were accordingly transmitted to them, and the General repaired to Philadelphia to await their decision. During his stay there on this business, he was involved in several disputes; and, though his affair might be considered, as yet, *sub judice*,

the conversation of the city was rather against him, which induced him to publish, as it were, a second defence.

It was a considerable time before Congress took the General's trial under their consideration, during which he continued smarting under the frowns of fortune, and the malignant tongues of men; and, to add to his sufferings, in this state of suspense, he received a letter from Colonel Laurens, one of General Washington's aids, informing him, "that in contempt of decency and truth, he had publicly abused General Washington in the grossest terms;" that "the relation in which he stood to him, forbade him to pass such conduct unnoticed; he therefore demanded the satisfaction he was entitled to, and desired, that as soon as General Lee should think himself at liberty, he would appoint time and place, and name his weapons." Without hesitation, this was accepted, and he made choice of a brace of pistols, declining the small sword, because he was rather in a weak state of body, having lately received a fall from a horse, and also taken a quantity of medicine, to baffle a fit of the gout, which he apprehended. They met, according to appointment, and discharged their pistols, when General Lee received a slight wound in his side; and it has been said, that, on this occasion, he displayed the greatest fortitude and courage.

Soon after this time, when Lee had not yet recovered from his wounds, Major Eustace, one of his aids, gave Colonel Hamilton *the lie*, in some altercation respecting the differences between Lee and Washington. Eustace, expected a challenge from Hamilton, of which circumstance, he apprized Lee by letter, whose reply was in the following laconic strain. "My dear Jack—If the pedant Hamilton takes notice of what you have said, and you should fall, depend upon it, your life shall not pass unrevenged."

Shortly after, the proceedings of the court martial, on his trial, came under consideration in Congress, and produced debates for several evenings; but, finally, the sentence was confirmed. The general was much dissatisfied

with it, and his mind extremely embittered against one of the members, (Mr. Henry Drayton, of South Carolina.) This gentleman's conduct was censured by Lee in the severest language, because he opposed in Congress a division of the several charges brought against him, and argued and insisted upon lumping them all together, to be decided by one question. In this he was ingeniously and warmly opposed by Mr. William Paca, a former governor of Maryland. Here we must observe, that, prior to this, Mr. Drayton was by no means one of the general's favourites; he had taken some unnecessary liberties with his character, in a charge which he delivered, as chief justice, to a grand jury in Charleston, South Carolina. His temper thus exasperated, he could no longer refrain from emphatically expressing his sense of the injuries he had received from Mr. Drayton. These were delivered, intermixed with threatening language, to Mr. Hutson, his colleague and friend, who communicated it. A correspondence ensued, remarkable for its poignancy of reply.

This correspondence being finished, the General retired to his plantation in Berkley county, Virginia, where, still irritated with the scurrilous attacks he had met with from several writers, and others, in Philadelphia, he could not forbear giving vent to the bitterness of his feelings, and, in this misanthropic disposition, composed a set of Queries, which he styled political and military. These he sent, by one of his aids, to the printers of Philadelphia, for publication; but they thought it imprudent to admit them into their papers, as General Washington possessed the hearts and admiration of every one; he, therefore, applied to the editor of the Maryland Journal, at Baltimore, who indulged him with their insertion.—The Queries no sooner made their appearance, than a considerable disturbance took place among the citizens of Baltimore; the printer was called on for the author, and obliged to give up his name.

Lee remained at his retreat, living in a style peculiar to himself, in a house more like a barn than a palace. Glass windows and plastering would have been luxurious extravagance, and his furniture consisted of a very few

necessary articles ; indeed, he was now so rusticated, that he could have lived in a tub with Diogenes ; however, he had obtained a few select, valuable authors, and these enabled him to pass away his time in this obscurity. In the fall of 1782, he began to be weary with the sameness of his situation, and experiencing his unfitness for the management of country business, he came to a determination to sell his estate, and procure a little settlement near some sea-port town, where he might learn what the world was doing, and enjoy the conversation of mankind.

His farm, though an excellent tract of land, rather brought him in debt at the end of the year, and added to the difficulties under which he laboured. It is no wonder, then, that he was inclined to relinquish his present system of life. He left Berkley, and came to Baltimore, where he staid nearly a week with some old friends, and then took his leave for Philadelphia. He took lodgings at an inn, the sign of the Connestoga wagon, in Market-street. A ludicrous circumstance here took place, which created considerable diversion :—The late Judge H. H. Breckenridge, whose poignancy of satire and eccentricity of character was nearly a match for that of the general, had dipped his pen in some gall, which vehemently irritated Lee's feelings, insomuch, that he challenged him to single combat, which Breckenridge declined, in a very eccentric reply. Lee, having furnished himself with a horse-whip, determined to chastise him ignominiously on the very first opportunity. Observing Breckenridge going down Market-street, in a few days thereafter, he gave him chase, and Breckenridge took refuge in a public house, and barricaded the door of the room he entered. A number of persons collected to see the sport. Lee damned him, and invited him to come out and fight him, like a man. Breckenridge replied, that he did not like to be shot at, and made some other curious observations, which only increased Lee's irritation and the mirth of the spectators. Lee, with the most bitter imprecations, ordered him to come out, when he said he would horse-whip him.—Breckenridge replied, that he had no occasion for a discipline of that kind. The amusing scene lasted

some time, until at length, Lee, finding that he accomplished no other object than calling forth Breckenridge's wit for the amusement of the by-standers, retired. This had such an effect on him, that, in a few days after his arrival in the city, he was taken with a shivering, the fore-runner of a fever, which put a period to his existence, October 2d, 1782.

A friend of the general was at the inn when he took his departure from this world. The servants told him that General Lee was dying; on which he went into the room; he was then struggling with the King of Terrors, and seemed to have lost his senses; the last words he heard him speak, were, "Stand by me, my brave grenadiers!"

The citizens of Philadelphia, calling to mind his former services, appeared to be much affected by his death. His funeral was attended by a very large concourse of people, the clergy of different denominations, his excellency the president of Congress, the president and some members of the council of the commonwealth of Pennsylvania, his excellency the minister plenipotentiary of France, M. Marbois, secretary to the embassy, the minister of finance, General Baron de Viominil, Duke de Lausan, the minister of war, and several other officers of distinction, both in the French and American armies.

General Lee was a great and sincere friend to the rights and liberties of mankind, and it was this grand principle, which led him to take part on the side of America. From his youth, he was bred up with the highest regard for the noble sentiments of freedom; his education and reading strengthened them; the historians and orators of Greece and Rome, with whom he was considerably conversant, added to the sacred flame, and his travels, in many parts of the world, did not tend to diminish it.

His person was of a genteel make, and rather above the middle size; his remarkable aquiline nose rendered his face somewhat disagreeable. He was master of a most genteel address; but, in the latter part of his life, became excessively negligent of the graces, both in garb and behaviour. A talent for repartee, united with a

quickness of penetration, created him many enemies. A character so eccentric and singular, could not fail of attracting the popular attention. His *small* friends frequently passed severe criticisms on his words and actions. Narrowly watched, every little slip or failure was noticed, and represented to his disadvantage. The objections to his moral conduct were numerous, and his great fondness for dogs brought on him the dislike and frowns of the fair sex; for the general would permit his canine adherents to follow him to the parlour, the bed-room, and, sometimes, they might be seen on a chair, next his elbow, at table.

There is a great probability, that the general was the first person who suggested the idea that America ought to declare herself independent.—When he was sent by the commander-in-chief to New-York, he behaved with such activity and spirit, infusing the same into the minds of the troops and the people, that Mr. John Adams said, “a happier expedition never was projected; and that the whole whig world were blessing him for it.” About this time, Doctor Franklin gave Mr. Thomas Paine, the celebrated author of “Common Sense,” an introductory letter to him, in which were these words, “The bearer, Mr. Paine, has requested a line of introduction to you, which I gave the more willingly, as I know his sentiments are not very different from yours.” A few days after, the doctor writes again, “There is a kind of suspense in men’s minds here, at present, waiting to see what terms will be offered from England. I expect none that we can accept; and when that is generally seen, we shall be more unanimous, and more decisive. Then, your proposed ‘Solemn League and Covenant’ will go better down, and, perhaps, most of your other strong measures, will be adopted.” In a letter to Edward Rutledge, Esq., in the spring of 1776, then a member of the Continental Congress, the general thus expresses his sentiments:—“As your affairs prosper, the timidity of the senatorial part of the continent, great and small, grows and extends itself. By the Eternal G—, unless you declare yourselves independent, establish a more certain and fixed legisla-

ture than that of a temporary courtesy of the people, you richly deserve to be enslaved ; and I think that, far from impossible, it should be your lot ; as, without a more systematic intercourse with France and Holland, we have not the means of carrying on the war." There are other epistles of his of a similar spirit and diction.

The more the general's character and conduct are investigated, the more conspicuous his services will appear. In the infancy of the American dispute, he was continually suggesting and forwarding plans for the defence of the country ; and though a professed enemy to a standing army, he was always recommending a well-regulated militia. This he considered as the natural strength of a country, and absolutely necessary for its safety and preservation.

He has frequently asserted, that a more pernicious idea could not enter into the heads of the citizens, than, that rigid discipline, and a strict subjection to military rules, were incompatible with civil liberty ; and he was of opinion, that when the bulk of a community would not submit to the ordinances necessary for the preservation of military discipline, their freedom could not be of long continuance.

The liberty of every commonwealth must be protected ultimately by military force. Military force depends upon order and discipline ; without order and discipline, the greatest number of armed men are only a contemptible mob ; a handful of regulars must disperse them. It follows, then, that the citizens at large must submit to the means of becoming soldiers, or that they must commit the protection of their lives and property to a distinct body of men, who will, naturally, in a short time set up a professional interest, separate from the community at large. To this cause we may attribute the subversion of every free state that history presents to us. The Romans were certainly the first and most glorious people, that have figured on the face of the globe ; they continued free longest. Every citizen was a soldier, and a soldier not in name, but in fact ; by which is meant, that they were the most rigid observers of military institutions. The

general, therefore, thought it expedient that every state in America should be extremely careful to perfect the laws relative to their militia; that, where they were glaringly defective, they should be made more efficient; and that it should be established as a point of honour, and the criterion of a virtuous citizen, to pay the greatest deference to the common necessary laws of a camp.

General Lee, in the wide field of conjecture, has found literary partisans who attribute to his pen, the celebrated *Letters of Junius*. However, well that celebrated writer may have garbed himself in the veil of obscurity, these pretend to find a proof of their conjecture in the well chosen motto of that hidden and classic author, "*stat nominis umbra*!" They pretend to say, that it was originally found in a letter written by the king of Poland in Latin, to Lee, whose aid the latter had been. How well founded this opinion may be, certain it is, that the immortal author of those celebrated letters, have never as yet, notwithstanding the most laborious research, been dragged from his concealment. If living, he enjoys in secret, the meed of literary and patriotic applause; if dead, he lived to enjoy the reward of his labours and carry his secret with him to the grave.

In the vale of Lee's military career, his opinion of the American character, redounded not to its favour. This he exhibited in a letter to his sister, wherein he goes at length, to display his feelings in regard to them, while he breathes the full spirit of enthusiasm in favour of liberty, which he had ever evinced through life.

His intentions were just and sincere. His errors those of sensibility, smarting under the wounds of ill-requited services.

NATHANIEL GREENE

THIS gallant officer, whose death was so generally and so justly regretted, was born in Warwick, Kent county, Rhode Island, in or about the year 1741, and was the second son of a respectable citizen of the same name.

The General was endued with an uncommon degree of judgment and penetration, which, with a benevolent manner and affable behaviour, acquired him a number of valuable friends, by whose interest and influence he was, at an early period of life, chosen a member of the assembly of Rhode Island. This trust, in which he gave the highest satisfaction to his constituents, he continued to possess, until hostilities commenced between the mother country and her colonies.

After the skirmishes at Lexington and Concord, when a spirit of resistance spread, like wild-fire, over the continent, Rhode Island was not deficient in her contributions for the general defence. She raised three regiments of militia, the command whereof was given to Mr. Greene, who was nominated Brigadier-General.

He led the troops under his command to Cambridge, and was present at the evacuation of Boston by the British army.

General Greene's merit and abilities, as well in the council as in the field, were not long unnoticed by General Washington, who reposed in him the utmost confidence, and paid a particular deference to his advice, on all occasions of doubt and difficulty.

He was appointed Major-General by Congress, the 26th of August, 1776. Towards the close of that year, he was at the Trenton surprise; and, at the beginning of the next, was at the battle of Princeton, two enterprises not more happily planned, than judiciously and bravely exe-

cuted, in both of which he displayed his talents, serving his noviciate under the American Fabius.

At the battle of Brandywine, General Greene distinguished himself by supporting the right wing of the American army, when it gave way, and judiciously covering the whole, when routed and retreating in confusion; and their safety from utter ruin was generally ascribed to his skill and exertions, which were well seconded by the troops under his command.

At the battle of Germantown, he commanded the left wing of the American army, and his utmost endeavours were exerted in endeavouring to retrieve the fortune of that day, in which his conduct met with the approbation of the Commander-in-chief.

In March, 1778, he was appointed Quarter-Master-General, which office he accepted under the stipulation, that his rank in the army should not be effected by it, and that he should retain his right to command in time of action, according to his rank and seniority.

In this station, he fully answered the expectations formed of his abilities; and enabled the American army to move with additional celerity and vigour.

At the battle of Monmouth, the Commander-in-chief, disgusted with the behaviour of General Lee, deposed him on the field of battle, and appointed General Greene to command the right wing, where he greatly contributed to retrieve the errors of his predecessor, and to the subsequent events of the day.

About the middle of the year 1778, an attack being planned by the Americans, in conjunction with the French fleet, on the British garrison at Newport, Rhode Island, General Sullivan was appointed to the command, under whom General Greene served. This attempt was unsuccessful. The French fleet having sailed out of harbour, to engage Lord Howe's fleet, they were dispersed by a storm, and the Americans were obliged to raise the siege of Newport; in doing which, General Greene displayed a great degree of skill in drawing off the army in safety.

After the hopes of the British generals to execute some decisive stroke to the northward, were frustrated, they

turned their attention to the southern states, as less capable of defence, and more likely to reward the invaders with ample plunder. A grand expedition was planned at New York, where the army embarked on the 26th of December, 1779, and landed on the 11th of February, 1780, within about thirty miles of Charleston, which, after a brave defence, was surrendered to Sir Henry Clinton, on the 12th of May.

A series of ill success followed this unfortunate event. The American arms in South Carolina were in general unsuccessful, and the inhabitants were obliged to submit to the invaders, whose impolitic severity was extremely ill calculated to answer any of the objects for which the war had been commenced.

Affairs were thus circumstanced, when General Washington appointed General Greene to the command of the American forces in the southern district. He arrived at Charlotte, on the 2d day of December, 1780, accompanied by General Morgan, a brave officer, who had distinguished himself to the northward, in the expedition against Burgoyne. He found the force which he was to command, reduced to a very small number, by defeat and desertion. The returns were nine hundred and seventy continentals, and one thousand and thirteen militia. Military stores, provisions, forage, and all things necessary, were, if possible, in a more reduced state than his army. His men were without pay, and almost without clothing, and supplies of the latter were not to be had but from a distance of two hundred miles. In this perilous and embarrassed situation, he had to oppose a respectable and victorious army. Fortunately for him, the conduct of some of the friends of royalty obliged numbers, otherwise disposed to remain neuter, to take up arms in their own defence. This, and the prudent measures the General took for removing the innumerable difficulties and disadvantages with which he was surrounded, and for conciliating the affections of the inhabitants, soon brought together a considerable force, far inferior, however, to that of the British, who esteemed the country perfectly subjugated.

After he had recruited his forces, with all the friends to the revolution that he could assemble, he sent a considerable detachment, under General Morgan, to the western extremities of the state, to protect the well disposed inhabitants from the ravages of the tories. This force, which was the first that had for a considerable time appeared there, on the side of the Americans, inspired the friends of liberty with new courage, so that numbers of them crowded to the standard of General Morgan. He at length became so formidable, that Lord Cornwallis thought proper to send Colonel Tarleton to dislodge him from the station he had taken. This officer was at the head of a thousand regular troops, and had two field-pieces. On the 7th of January, 1781, he met General Morgan, at the Cowpens, having a far inferior force, composed of two-thirds militia, and one-third continentals. An engagement was the immediate consequence. In this battle, the brave Morgan gained a complete victory over an officer, the rapidity and success of whose attacks, until that time, might have entitled him to use the declaration of Cæsar, "*veni, vidi, vici.*" I came, I saw, I conquered. Upwards of five hundred of the British laid down their arms, and were made prisoners—a very considerable number was killed.

This brilliant success quite disconcerted the plan of operations formed by Lord Cornwallis. Having entertained no idea of any enemy to oppose him in South Carolina, the conquest of which he had deemed complete, he had made every preparation for carrying his army northward, to gather the laurels, which he imagined waited for him. He now found himself obliged to postpone this design. He marched with rapidity after General Morgan, in hopes not only to recover the prisoners, but to avenge Tarleton's losses. The Americans, by a rapidity of movements, eluded his efforts, and General Greene effected a junction of the two divisions of his little army, on the 7th of February. Still, however, he was so inferior to Cornwallis, that he deemed it best to return to Virginia.

In this state he received some reinforcements, and had the promise of more—on which he returned into North

Carolina, where, on their arrival, he hoped to be able to act on the offensive.

About the beginning of March, he effected a junction with a continental regiment, and two considerable bodies of Virginia and Carolina militia. He then determined on attacking the British commander without loss of time, "being persuaded," as he declared in his subsequent despatches, "that if he was successful, it would prove ruinous to the enemy—and, if otherwise, that it would be but a partial evil to him." On the 14th of March he arrived at Guilford court-house, the British then lying twelve miles distant.

His army consisted of about four thousand five hundred men, of whom near two-thirds were North Carolina and Virginia militia. The British were about two thousand four hundred, all regular troops, and the greater part inured to toil and service in their long expedition under Lord Cornwallis, who, on the morning of the 15th, being apprized of General Greene's intentions, marched out to meet him.

The engagement commenced at half an hour after one o'clock, by a brisk cannonade. After which, the British advanced in three columns, and attacked the first line, composed of North Carolina militia. These, who probably had never before been in action, were panic struck at the approach of the enemy, and many of them ran away without firing a gun. Part of them, however, fired, and then followed the example of their comrades. Their officers made every possible effort to rally them—but in vain. This shameful cowardice had a great effect on the issue of the battle. The next line, however, behaved much better. They fought with great bravery; and after they were thrown into disorder, returned to the charge, and kept up a heavy fire for a long time, but were at length broken, and driven on the third line, when the engagement became general and very bloody. At length, superiority of discipline carried the day from superiority of numbers. The conflict endured an hour and a half, and was terminated by General Greene's ordering a retreat.

This was a hard fought action. Lord Cornwallis stated his losses in killed, wounded, and missing, at five hundred

and thirty-two, among whom were several officers of considerable rank ; and though he appeared to have gained the battle, yet within three days he was obliged to make a retrograde motion, and return to Wilmington, situated two hundred miles from the place of action.

The loss of the Americans was about four hundred killed and wounded. However, this was not so severely felt, as the desertion of a considerable number of militia, who fled homewards, and came no more near the army.

Some time after this engagement, General Greene determined to return to South Carolina, to endeavour to expel the British from that state. His first object was to attempt the reduction of Camden, where Lord Rawdon was posted with about nine hundred men. The strength of this place was such as to render it impracticable to carry it by storm, with the small army General Greene had, consisting of about seven hundred continentals. He, therefore, encamped at about a mile from the town, in order to prevent supplies from being brought in, and to take advantage of such favourable circumstances as might occur.

Lord Rawdon's situation was extremely delicate. Colonel Watson, to whom he had, on intelligence of General Greene's intentions, sent orders to return to Camden, was so effectually watched by General Marion, that it was impossible for him to obey. His lordship's supplies were, moreover, very precarious :—and should General Greene's reinforcements arrive, he might be so closely invested, as to be at length obliged to surrender. In this dilemma, the best expedient that suggested itself was a bold attack. He sallied out on the 25th of April, and assailed General Greene in his camp. The defence was obstinate, and, for some time the advantage appeared to be in favour of America. Lieutenant Colonel Washington, who commanded the cavalry, had at one time not less than two hundred British prisoners. However, by the misconduct of one of the American regiments, victory was snatched from General Greene, who was compelled to retreat. . .

A great similarity between the consequence of the affair at Guilford, and that of this action, may here be noticed. In the former, Lord Cornwallis was successful—but was

obliged to retreat two hundred miles from the scene of action, and for a time abandon the grand object of penetrating northward. In the latter, Lord Rawdon had the honour of the field, but was shortly after reduced to the necessity of abandoning his post, and leaving behind him a number of sick and wounded.

The evacuation of Camden gave a new face to affairs in South Carolina, where the British ascendancy declined more rapidly than it had been established. The numerous forts, garrisoned by the enemy, with the exception of fort Ninety-six, fell, one after the other, into the hands of the Americans, and a very considerable number of prisoners of war, with military stores and artillery, were found in them.

On the 22d of May, General Greene sat down before Ninety-six, with the main part of his little army. The siege was carried on for a considerable time with great spirit; at length, the works were so far reduced, that a surrender must have been made in a few days; but a reinforcement, of three regiments, from Europe, arrived at Charleston, which enabled Lord Rawdon to proceed to relieve this important post. The superiority of the enemy's force, reduced Greene to the alternative of abandoning the siege altogether, or, previous to their arrival, of attempting the fort by storm. The latter was more agreeable to his enterprising spirit, and an attack was made on the morning of the 29th of June. He was repulsed, with the loss of one hundred and fifty men. He raised the siege, and retreated over the Saluda.

Some skirmishes of no great moment took place between detached parties in July and August. September the 9th, General Greene having assembled about two thousand men, proceeded to attack the British, who, under the command of Colonel Stewart, were posted at Eutaw Springs. As the Americans came forward to the onset, they fell in with some advanced parties of the enemy, at about two or three miles ahead of the main body. These being closely pursued, were driven back—and the action soon became general. In the hottest part of the engagement, General Greene ordered the Maryland and Virginia continentals to charge with trailed arms. This decided the fate of the day.

"Nothing," says Dr. Ramsay, "could surpass the intrepidity of both officers and men on this occasion. They rushed on, in good order, through a heavy cannonade, and a shower of musketry, with such unshaken resolution, that they bore down all before them." The British were broken, closely pursued, and upwards of five hundred taken prisoners. They, however, made a fresh stand, in a favourable position, in impenetrable shrubs and a picketed garden. Lieutenant-Colonel Washington, after having made every effort to dislodge them; was wounded and taken prisoner. Four six pounders were brought forward to play on them, but fell into their hands; and the endeavours to drive them from their station being found impracticable, the Americans retired, leaving a strong picket on the field of battle. Their loss was about five hundred; that of the British upwards of eleven hundred.

General Greene was honoured by Congress with a British standard, and a gold medal, "for his wise, decisive, and magnanimous conduct, in the action at Eutaw springs, in which, with a force inferior in number to that of the enemy, he obtained a most signal victory."

The battle of Eutaw produced most signal consequences in favour of America. The British, who had, for such a long time, lorded it absolutely in South Carolina, were, shortly after, obliged to confine themselves in Charleston, whence they never ventured but to make predatory excursions, with bodies of cavalry, which in general met a warm reception.

During the relaxation that followed, a dangerous plot was formed, by some turbulent persons in the army, to deliver up their brave General to the British. This treasonable design owed its rise to the calamities of the soldiers, who were ill paid, ill clothed, and ill fed. The conspirators did not exceed twelve in number; and a discovery defeated the project.

The surrender of Lord Cornwallis, from whose enterprising spirit the British ministry had expected to repair all their losses, having convinced them of the impracticability of subjugating America, they discontinued offensive operations in every quarter.

The happy period at length arrived, when America compelled her invaders to recognize her independence. Then her armies quitted the tented fields, and retired to cultivate the arts of peace. Among the rest, General Greene revisited his native country, where he proved himself as valuable a citizen, as the Carolinas had witnessed him a gallant officer. Dissensions had extended their destructive influence among the Rhode Islanders, but General Greene exerted himself to restore harmony among them once more, and was happily successful.

In October, 1785, he sailed to Georgia, where he had a considerable estate, not far distant from Savannah. Here he passed away his time, occupied in his domestic concerns, until the hour of his decease approached. Walking out one day in June, 1786, he was overpowered by the extreme heat of the sun, which brought on a disorder, that carried him off, on the 19th of the same month.

When the melancholy account of his death arrived at Savannah, the people were struck with the deepest sorrow. All business was suspended; and the shipping in the harbour had their colours half-masted.

The body was brought to Savannah, and interred on the 20th, with all possible solemnity.

On Tuesday the 12th of August, the United States, in Congress assembled, came to the following resolution :

That a monument be erected to the memory of Nathaniel Greene, Esq., at the seat of the Federal Government, with the following inscription :

Sacred to the memory of

NATHANIEL GREENE, Esq.

Who departed this life, the 19th of June, 1786,

LATE MAJOR-GENERAL

In the service of the United States,
And Commander of their army in the
southern department.

The United States, in Congress assembled,

In honour of his
patriotism, valour, and ability,
have erected

THIS MONUMENT.

NICHOLAS BIDDLE.

THIS justly celebrated commander, was born in Philadelphia, September 10, 1750. Having received a good English education, his predilection for a maritime life, induced him to take a voyage to Quebec, at the age of fourteen. The following year, 1765, he sailed on a voyage for Jamaica and the bay of Honduras. On his return, the vessel was cast away, on the 2d of January, 1766, on a shoal called the Northern Triangle. After suffering, with constancy and firmness, many hardships, in common with the crew, he succeeded in returning to Philadelphia; after residing two months with three of his companions, on a small uninhabited island, which fell to them by lot, the boat saved from the wreck being too small to take away the whole number of unfortunates. He afterwards made a series of European voyages, and became a thorough bred seaman in all its branches.

The dispute between England and Spain, about the Falkland Islands, in 1770, portended a rupture between these powers, in consequence of which he repaired to London, with highly respectable recommendations, and entered as a midshipman in a vessel of war commanded by Captain Sterling. This dispute having been amicably adjusted, the inactivity of peace rendered him restless, as his character was cast in a bolder and more active mould.

In the year 1773, a north-west passage towards the North Pole, to effect, if practicable, an entrance into the Pacific ocean, was resolved on, at the instance of the British Royal Society, for which expedition, two ships, the *Racehorse* and *Carcase*, were fitted out, and the command given to Captain Phipps, since Lord Mulgrave. Biddle applied to Captain Sterling, for leave to go on this adventurous undertaking, which was refused; but he was soothed with a promise of preferment. Being, however, deter-

mined on his purpose, he laid aside his uniform, and secretly entered on board the *Carcase*, as an able seaman before the mast. Finding a seaman on board, who knew him as a midshipman, he communicated to him his views, and requested the man to keep it a secret, which the honest tar faithfully did, and discovered towards him a great attachment. Horatio, afterwards Lord Nelson, obtained permission, and entered on board the same vessel on that occasion, and the two were appointed cockswains, during the voyage. They proceeded as far as 85 degrees N. within eleven hundred and fifty miles of the North Pole, and were five days encircled with almost immoveable mountainous islands of ice. Biddle kept a journal of this voyage which was lost with him in the cruise which terminated his earthly career.

On the appearance of the struggle between Britain and her colonies, Mr. Biddle returned to Philadelphia, when Congress committed to his charge the command of the Camden galley, designed, with others, for the defence of the river Delaware. The want of action in this situation induced him to relinquish it, and engage in the expedition against New-Providence, under Commodore Hopkins. For this purpose, he was appointed to the command of the brig of war, *Andrew Doria*, of fourteen guns, and one hundred and thirty men.

Just before leaving the Capes of Delaware, an incident occurred, which strongly indicates the boldness of his character. Two deserters from his vessel were arrested and thrown into Lewistown prison, in Delaware. Two men and an officer were despatched on shore for them.—The prisoners barricaded their doors, and threatened the officer and men with instant death, if they attempted to molest them. Intimidated by such threats, they returned to the vessel without them. Biddle went on shore, and caused the door to be forced. He then entered with his pistol cocked, and threatened Green, the most daring of the two, with instant death, if he missed, as the man was preparing to fire. The resolute conduct of the captain intimidated them, and with the assistance of some militia,

they were secured and sent on board the vessel, from which they had deserted.

When the expedition arrived before New-Providence, the point of destination, that place surrendered without resistance. In consequence of the crowded situation of the crew of the *Andrew Doria*, sickness raged among them so much, that not enough men were in health to work the vessel or man the boats. Every attention was paid them; but they remained sickly until the *Andrew Doria* arrived at New-London, where the vessel was re-fitted, and Captain Biddle ordered to go on and cruise off the banks of Newfoundland, to intercept some store ships and transports, belonging to the enemy, which were bound for Boston. In this service, he succeeded in capturing two ships from Scotland, bound for Boston, with four hundred Scotch Highlanders on board, before he arrived at the banks. At this period, his crew did not amount to one hundred men. All the Scotch officers were put on board of one of the prizes, the command of which was given to Lieutenant Josiah, one of his officers, with orders to make the first port. Unluckily, the prize, in ten days thereafter, was re-captured by the frigate *Cerberus*, on board of which Lieutenant Josiah was removed and ordered to do duty, and otherwise very badly treated, under the specious pretext, that he was an Englishman. In consequence of this conduct towards a prisoner of war, Captain Biddle wrote a letter to the British admiral commanding at New-York, informing him of the circumstance, and threatening that he would treat a son of Lord Cranstoun, who was his prisoner, in the same manner as Lieutenant Josiah was treated. Captain Biddle also wrote to the marine committee on the subject. The committee laid his letter before Congress, who passed a resolve directing General Washington to propose Lieutenant Josiah's exchange for a British naval officer of his rank, and at the same time to remonstrate to Lord Howe against the cruel usage which he had received.—After ten months' captivity, the lieutenant's exchange was effected. On his return to the *Delaware*, Captain Biddle had only five of his original crew, the rest having

been distributed among the vessels which he had captured, out of the crews of which he recruited his ; and to guard against any misfortune arising from mutiny, he never left the deck of his vessel for several days before he arrived in port.

The latter end of 1776, the command of the *Randolph*, a new frigate of thirty-two guns, was given to Captain Biddle. To complete his crew, he was compelled to receive on board several British prisoners of war, who wished to enter.

This frigate put to sea from Philadelphia in February, 1777. On examining her masts, the lower ones proved unsound, and all of them were carried away by the board, in a heavy gale of wind. Captain Biddle bore away for Charleston, where he intended to refit. But before his arrival at that port, the British sailors, who had entered at Philadelphia, with some mal-contented, formed the design of rising on the officers, and taking the ship. Having made, as they thought, the necessary arrangements, they gave three cheers on the gun-deck ; but were overcome by the determined resolution of the captain and his officers. The ringleaders of the mutiny were seized and punished, and the remainder quietly submitted. He refitted as speedily as possible and put again to sea. Three days after he left Charleston bar, he fell in with four sail of *Jamaicamen*, bound to London. The commander of one of them called the *True Briton*, mounting twenty guns, who had boasted to his passengers his wish of falling in with the *Randolph*, made all sail to escape from her, now that his wish was accomplished. Finding his escape impossible, he hove to and kept a steady fire on the *Randolph*, which bore down on him, and was preparing a broadside, when he struck his flag. Captain Biddle captured the other three and returned to Charleston. The prizes were very rich.

The successful termination of so short a cruise inspired the government of South Carolina to fit out a squadron to sail under Captain Biddle's command. The *Carysfort* frigate, *Perseus*, of twenty-four guns, *Hinchinbrook*, of sixteen guns, and a privateer, had been for some time off

Charleston bar, annoying its trade. This British force was to attract the first attention. The ship *General Moultrie*, of eighteen guns, Captain Sullivan; brigs *Fair American*, of fourteen guns, Captain Morgan; *Polly*, of sixteen guns, Captain Anthony; and *Notre Dame*, of sixteen guns, Captain Hall, were, in a short time, fitted for sea. A corps of fifty men, from the first regiment of South Carolina continental infantry was ordered to act as marines on board the *Randolph*. Her mainmast having been struck and shattered by lightning, a new one was put in, and a conductor was fixed, to obviate a similar misfortune. As soon as this was effected, the squadron went into Rebellion roads, where they were detained by adverse winds and shoal water on the bar, which prevented the *Randolph* from passing over it. These obstacles being surmounted, the fleet put to sea, and steered an easterly course, in hopes of overhauling the British squadron already mentioned. The following day our commander re-took a ship belonging to the Eastern states, which had been dismasted. She had no cargo on board. The crew, six guns of small calibre, and some small stores, were consequently taken out, and the vessel burnt. The British vessels having left the coast, the American squadron directed their course to the West Indies, and cruised, for some days, in the latitude of Barbadoes, where Captain Biddle boarded several Dutch and French vessels. He also took an English schooner, bound from New-York to Grenada. The captain of the schooner mistook the *Randolph* for an English frigate, nor did he discover his error until her capture.

For some days prior to the 7th of March, 1778, Captain Biddle expected an attack, and was consequently on the alert. Captain Blake, who commanded a detachment of the second regiment of South Carolina troops, acting as marines on board the *General Moultrie*, two days before she engaged with the *Yarmouth*, relates, that, at dinner, Captain Biddle observed "we have been cruising here, for some time, and have spoken a number of vessels, who, no doubt, will give information of us, and I should not be surprised if my old ship should be out after us. As to any thing, that carries her guns on one deck, I think myself a

match for her." A signal was made from the Randolph, about three o'clock in the afternoon of the 7th of March, for a sail to the windward, which, as she neared before the wind, appeared as a large sloop with a square-sail set, though when first distinctly seen she was supposed to be a ship. This was about four. In consequence of the signal, the squadron hauled on a wind in order to speak to the Randolph. Near seven, the Randolph at windward, hove to; the General Moultrie, rather leeward, about one hundred and fifty yards astern, hove to likewise. The enemy fired a shot a little ahead of the Moultrie, and hailed her about eight in the evening. The reply from the Moultrie was, "the Polly of New-York." The other hauled his wind, and then hailed the Randolph. She was only at that time first discovered to be a two decker. After several questions and replies, as the English ship was obtaining the weather quarter of the American frigate, and ranging along, Lieutenant Barnes of the latter vessel, hallooed "this is the Randolph," on which the American stripes were immediately hoisted, and a broadside poured into the British ship. The action soon became warm, and Captain Biddle fell, wounded in the thigh. Some degree of confusion resulted from this accident, as a report was spread through the ship that he was killed. He soon restored order by calling for a chair, and causing himself to be brought forward on the quarter deck, where he sat encouraging his crew. As the enemy's stern cleared the Randolph, the commander of the General Moultrie, Captain Sullivan, directed a broadside to be poured into him. The enemy having shot ahead, brought her between the hostile ships and the General Moultrie, whose last broadside was supposed to have been partially received by the Randolph, from that circumstance. Her fire was well directed—her broadsides three to the enemy's one, and during the engagement she appeared in one continual blaze. About twenty minutes after the action commenced, when the surgeon was busily engaged on the quarter-deck, the Randolph blew up. The cause of this disaster was never ascertained. Only four men, out of three hundred and fifteen, survived. After four days tossing on a piece of

the wreck on the ocean, they were taken up. So close were these two ships engaged, that the crew of the Fair American believed it to have been the enemy's ship that was blown up. The Captain of her was so convinced of it, that he stood for the enemy's vessel with his trumpet in hand to hail her, in order to ask after Captain Biddle, when he discovered his error, and the other vessels escaped in consequence of the disabled condition of the enemy, which proved to be the British line of battle ship Yarmouth, of sixty-four guns.

Thus prematurely fell, in the spring of life, a young man in the twenty-seventh year of his age, for whom his country entertained the highest regard and anticipations of future achievements. While his personal worth has called forth the tear of friendship, his memory has been embalmed with the poet's pen.

THOMAS TRUXTON.

THE father of Captain Truxton was an eminent counselor of the bar, and resided on Long Island, or Nassau Island, where the Commodore was born on the 17th of February, 1755. Having lost his father at an early age, he was placed under the care of John Troup, Esq. of Jamaica, Long Island. The sea was his favourite element. At twelve years old, he first embarked in his naval career, under a Captain Joseph Holmes, in the ship Pitt, bound for Bristol, England. The next year, he sailed under a Captain Chambers, in the London trade.

In the beginning of the revolutionary struggle he forthwith embarked in the cause of the colonies, against the unjust oppression of Great Britain, and early in 1775 had the command of an armed vessel, with which he cruised against the enemy with great success. In these cruises, the United States were much benefited by the quantities of powder which were found on board his prizes, of which

article they were greatly in want. Towards the close of the same year, when on a voyage to St. Eustatia, a Dutch island in the West Indies, in a letter of marque, of which he was half owner, he was captured off the island of St. Christopher's, his vessel condemned, and himself released under the provisions of the general restraining act, of the British Parliament. From St. Christopher's, he went to St. Eustatia, and thence to Philadelphia. His next cruise was in the capacity of first Lieutenant of the private armed ship Congress, which was just equipping for sea. During the early part of the winter of 1776, this vessel, in company with another private armed vessel, called the Chance, fitted out at the same time, made several prizes off the Havanna, which were very valuable home bound Jamaica ships, going through the Gulf of Florida. He, as prize-master, brought one of them safe into the port of Bedford, Massachusetts. In June of the same year, while New York was blockaded by the British fleet, previous to its evacuation by the Americans, he made his way to sea, through the Long Island Sound, in a vessel called the Independence, fitted out by himself and Isaac Sears, Esq., and placed under his command. Off the Azores or Western Isles, he made several prizes, of which three were large and valuable ships, forming a part of the Windward Island fleet, under convoy. One of these prizes carried more guns and men than his vessel. Truxton next directed his course to the British Channel, in the ship Mars, of twenty guns, where he made a number of prizes, several of which he sent into Quiberon bay. After this cruise, he domiciliated himself in Philadelphia, from which port he sailed during the remainder of the war, commanding vessels, of which he was in general part owner. His cruises were generally successful.

When commanding the St. James, of twenty guns, and one hundred men, on a voyage to France, with Thomas Barclay, Esq., the Consul General from the revolted colonies to that country, he fell in with a British private ship of war, mounting thirty-two guns, and a proportionate number of men, consequently nearly double his force. After a severe and close engagement, the enemy was obli-

ged to sheer off, and was afterwards towed into New York in a very crippled state. The late secretary of the navy, William Jones, Esq., acted as Captain Truxton's third Lieutenant, and conducted himself during the whole engagement with such distinguished bravery, that he was shortly afterwards promoted to a first lieutenancy. In this vessel, Truxton returned safe to Philadelphia, with a most valuable cargo. He used every means in his power to harass the enemy on the ocean, during every period of the war, and constantly evinced the most consummate skill and undaunted courage; and his exertions were almost universally crowned with complete success. He likewise, in two instances, distinguished himself on land.

On the return of peace, he continued his professional pursuits between this country, Europe, and Asia, until 1794, when the lowering appearances of our affairs with Great Britain, in consequence of the conduct of her naval commanders, under the celebrated Corn order of Council in 1793, induced the establishment of a navy. General Washington, then President, by advice and consent of the Senate, appointed him Captain of one of the six ships of war, which had been ordered to be built. But the building of these vessels was suspended, in consequence of the treaty of 1795. On the abrogation of the consular convention with France, in the year 1798, during the administration of Mr. John Adams, Captain Truxton was directed to superintend the building of the frigate *Constellation*, at Baltimore, of which he was appointed commander. This vessel was one of the first which put to sea in consequence of the hostile attitude assumed by the United States towards the French republic. His orders were to cruise in the West India seas for the protection of American property. On the 9th of February, 1799, he fell in with the French frigate, *L'Insurgente*, Captain Barreau, off the Island St. Nevis. With this vessel he commenced a severe engagement, which lasted for an hour and a quarter, when the Frenchman struck. With his prize, he put into Basse Terre, St. Christopher's, where he refitted, and returned to America. This was the first action which had taken place since the commencement of the disturb-

ance between the United States and France. The fame of the achievement was blazoned abroad, both in Europe and America, and produced the Commodore the most flattering marks of distinction.—The merchants at Lloyd's Coffee House, London, sent him a present of a service of silver plate with a suitable device, valued at upwards of six hundred guineas. The captive commander, in a letter to the Commodore, while he lamented the unhappy posture of affairs between the two countries, expressed himself as being well pleased, that the chances of war had thrown him into such gallant and brave hands, and thanked the Commodore for his generous conduct towards himself and his crew.

During his cruise, he captured many private armed and other vessels, and completely cleared those seas of the French cruisers, by which so many depredations had been committed on the American and English commerce in that quarter.

While our other vessels of war were busily engaged in convoying the American commerce, the Commodore heard, in January, 1800, that the French ship of war *La Vengeance*, mounting fifty-four guns, with a complement of five hundred men, was lying at Guadaloupe, with troops, and several general officers on board, intending to put to sea. He immediately changed his cruising ground, and endeavoured to fall in with her, and, if possible, to bring her to action. The superiority of her force was, in a great measure, counterbalanced, by a complement of too many men and a number of troops.

On the 1st of February, his wishes were gratified, as he descried her on the morning of that day, and after twelve hours' chase brought her to action. In consequence of having too many troops and a great number of officers on board, the French commander was unwilling to risk a combat, but the intentions of his gallant antagonist were very different. An engagement took place, and after a close action of nearly five hours, the Frenchman was silenced. During a squall, while the Americans were busily engaged in clearing their ship, the French captain effected his escape.—This he was enabled to do

by the darkness of the night, though prior to this circumstance, he had struck his colours, as he afterwards acknowledged, but was induced to renew the contest, believing it to be the intention of his antagonist to sink him. The Vengeance now arrived at Curacoa in a very shattered condition, having lost in the engagement one hundred killed and wounded, and all her masts and rigging being nearly shot away.

Congress, on this occasion, voted Truxton an emblematic medal, for his gallantry and good conduct.

He retired to Philadelphia, to enjoy the pleasing scenes of domestic life, until 1816, when the citizens of the city and county of Philadelphia evinced their respect for his various services rendered them in the most perilous times, by electing him to fill the important office of sheriff, the duties of which he discharged with general satisfaction.

HUGH MERCER.

THIS gentleman was a native of Scotland; but the year of his birth is unknown to us. Having received a liberal education, he studied medicine, and it is highly probable that he came to America with the unfortunate General Braddock, in the capacity of a surgeon, as he was with him in the disastrous campaign of 1755; and in the action wherein the general was slain, near Fort du Quesne, now Pittsburgh, was wounded in the shoulder. Thus early was he the companion in arms of the illustrious Washington. As Dr. Mercer found himself unable to retreat, he sought concealment under a fallen tree, on which, directly over where he lay, an Indian jumped, to descry, if possible, the fugitive combatants, and in a few moments departed without discovering him.

After the Indians, having satiated themselves with blood and plunder, had retired from the sanguinary field, the doctor reached a neighbouring brook, and, almost fainting with the loss of blood, slaked his thirst, which

so far refreshed him as to enable him to walk. He then endeavoured to return by the route in which the army had advanced. Incredible as it may appear, he reached Fort Cumberland, on the Potomac, a distance of more than a hundred miles, through a trackless wild, with no other nutriment than a rattlesnake, which he adventitiously killed and threw over his shoulder. After the peace of 1763, the doctor settled and married in America, but in what year we are not informed. In him were united in a very uncommon manner the qualities of the gentleman, the scholar, the soldier, the statesman, the husband, the father, and the friend. His worth was so generally known and admired, that at the commencement of the American revolution, he was honoured with a brigadier-general's commission, and thus he exchanged the peaceful scenes of private life for the tumultuous field of slaughter and carnage. His brigade formed a part of the left column of Washington's army, at the capture of the Hessians in Trenton, New-Jersey, in December, 1776. In this adventure of brilliant achievement, he accompanied the commander-in-chief, who conducted the left wing in person. Finding the hazardous situation of his army in its position, and the advance of the British, to save Philadelphia, Washington determined to throw himself in the rear of the enemy and withdraw his attention to other objects. To deceive the enemy, who meditated an attack the next morning, he left his fires burning, and withdrew his forces towards Princeton, before day-light on the morning of the 2d of January, 1777. The enemy did not discover that the Americans had decamped, till they had prepared to execute the contemplated attack.

On the morning of the 3d was the memorable engagement, which terminated General Mercer's life in a few days thereafter. He commenced the engagement with his column, consisting of not more than three hundred and fifty men, near Stony-brook. On hearing the firing, General Washington led on the Pennsylvania militia to the support of Mercer, with two pieces of artillery. The force engaged against him was the British 17th regiment, commanded by Colonel Mawhood. After the third fire,

in consequence of a charge made by the British, Mercer's corps fled in disorder. He was dismounted, and exerted himself in endeavouring to rally them, but while he was thus engaged, he was thrown into the rear, and being unable to escape, he turned about and surrendered. He was, however, forthwith knocked down by the sanguinary foe, and received thirteen thrusts of the bayonet. Feigning himself dead, the enemy left him, the fortune of the day being against them. He was then borne off to a neighbouring house, where he expired on the 12th. His body was conveyed to Philadelphia and interred with military honours. The American loss, in this action, did not exceed thirty, fourteen of whom were buried on the field of battle.

In the year 1793, the Congress of the United States made a provision for the education of Hugh Mercer, his youngest son.

General Wilkinson, his companion in arms on that and the preceding exploit at Trenton, in his memoirs, which sheds more light on the biography of General Mercer, than any work we have seen, thus notices the worth of that gallant officer: "But in General Mercer we lost a chief, who for education, experience, talents, disposition, integrity, and patriotism, was second to no man but the commander-in-chief, and was qualified to fill the highest trusts of the country."

General Wilkinson, in the same work, observes, that "the evening of January 1, was spent with General St. Clair, by several officers, of whom Mercer was one, who in conversation made some remarks disapproving the appointment of Captain William Washington to a majority in the horse, which was not relished by the company; he thus explained himself:

"We are not engaged in a war of ambition; if it had been so I should never have accepted a commission under a man (Patrick Henry) who had never seen a day's service; we serve not for ourselves, but for our country: and every man should be content to fill the place in which he can be most useful. I know Washington to be a good captain of infantry, but I know not what sort of a major

of horse he may make; and I have seen good captains make indifferent majors: for my own part, my views in this contest are confined to a single object, that is, the success of the cause, and God can witness how cheerfully I would lay down my life to secure it."

Little did he then expect that a few fleeting moments would have sealed the compact.

His death was universally regretted, and was a most serious loss to his country, his family, and friends.

CHARLES MORRIS.

THE memoirs of this gentleman, who has passed with unspotted honour from the station of midshipman to that of Post-Captain—who is now one of the navy commissioners—the brief narrative of whose actions exhibit traits well worthy of preservation—will not be given in this work. It had been prepared for the press, with some few exceptions, to supply which, a letter of request had been written to the post-master at Providence, R. I. Information was given by that gentleman, that the letter was forwarded to Captain Morris. The latter gentleman forwarded a letter to the editor, from which the following is an extract, and it is offered as an apology for omitting the memoir. The omission of the sketch already prepared, is much to be regretted, but the request of Captain Morris is of paramount obligation.

" Washington, 7th October, 1833

"Having always been averse to the publication of any thing in the shape of a memoir, of my own acts, during my life, I have always declined giving any aid, and whenever reference has been made to me, have requested that it should not be attempted.—I beg leave to make the same request of you, and am, Sir, your obedient servant,

"C. MORRIS."

In closing these biographical sketches, the editor takes liberty to remark, that the priority of *place* has in no instance been the consequence of a supposed priority of *claim* on the score of merit. The work was already in the hands of the printer, ere a fourth part of it had passed under the hand of the editor, or the whole of the materials from which it has been gathered were within his reach. Circumscribed in time, and labouring under embarrassments which few can duly appreciate, he has at length produced a book, inferior indeed to his ambition, but perhaps worthy all the patronage which may fall to its share.

That the deeds of other heroes, whose names are inscribed on the roll of fame, are here omitted, is but to say, that though a large book has been produced, a larger still is needed. In this, matter sufficient to fill several volumes, has been condensed into one. If other editors, aiming at fame or pelf, be so disposed, other volumes may follow, and the series be completed by another hand. Perfectly indifferent as to the name which may be obtained by this species of writing, I resign the pen in this department of literature, to those who shall be abler, or more disposed to wield it.

With one general remark, I now take leave of the reader. If all who have acted the part of heroes, could be brought to the front ground, and their deeds of "noble daring" recorded on the historic page, the officers under whose command they have acted would not wholly engross the pen, the press, and the public attention.

CONTENTS.

	PAGE
ANDREW JACKSON, - - - - -	7
RICHARD MENTOR JOHNSON, - - - - -	145
STEPHEN DECATUR, - - - - -	191
DAVID PORTER, - - - - -	223
ZEBULON MONTGOMERY PIKE, - - - - -	268
LEONARD COVINGTON, - - - - -	283
JOHN CHRYSTIE, - - - - -	285
WILLIAM HENRY ALLEN, - - - - -	286
JOHN CUSHING AYLWIN, - - - - -	297
WILLIAM BURROWS, - - - - -	301
JAMES LAWRENCE, - - - - -	307
ELEAZER WHELOCK RIPLEY, - - - - -	318
WILLIAM BAINBRIDGE, - - - - -	333
THOMAS MACDONOUGH, - - - - -	360
WILLIAM CARROLL, - - - - -	368
JACOB BROWN, - - - - -	374
JOHN RODGERS, - - - - -	386
JAMES BIDDLE, - - - - -	391
WINFIELD SCOTT, - - - - -	397
LEWIS WARRINGTON, - - - - -	409
GEORGE CROGHAN, - - - - -	413
HENRY H. DEARBORN, - - - - -	420
ALEXANDER MACOMB, - - - - -	432
OLIVER HAZARD PERRY, - - - - -	449
JACOB JONES, - - - - -	458
ISAAC HULL, - - - - -	465
JOSEPH WARREN, - - - - -	470
RICHARD MONTGOMERY, - - - - -	474
DANIEL MORGAN, - - - - -	478
JOHN BARRY, - - - - -	484
JOHN MANLY, - - - - -	487
BARON DE KALE, - - - - -	489
WILLIAM HEATH, - - - - -	494
ANTHONY WAYNE, - - - - -	518
CHARLES LEE, - - - - -	537
NATHANIEL GREENE, - - - - -	551
NICHOLAS BIDDLE, - - - - -	560
THOMAS TRUXTON, - - - - -	566
HUGH MERCER, - - - - -	670









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